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THIRD SESSION OF THE TWENTY-SEVENTH PARLIAMENT

133115

BILLS

AS INTRODUCED IN THE HOUSE

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REPRINTS AND THIRD READINGS

133115

SESSION

JANUARY 20th to APRIL 14th, 1965

and

APRIL 27th to JUNE 22nd, 1965

LEGISLATIVE ASSEMBLY
OF ONTARIO

THIRD SESSION OF THE TWENTY-SECOND
PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE

REPRINTS AND AMENDED VERSIONS

SESSION

JANUARY 2006 to APRIL 2006

and

APRIL 2006 to JUNE 2006

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and

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BILL 96

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to modify the Rule against Perpetuities

MR. WISHART

TORONTO
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EXPLANATORY NOTE

This Bill and its three companion Bills, *An Act to amend The Accumulations Act, An Act to amend The Conveyancing and Law of Property Act* and *An Act to amend The Trustee Act,* are recommended by the Ontario Law Reform Commission.

The rule against perpetuities is a judge-made rule that had its origins early in the seventeenth century. This technical and arbitrary rule may be said to have served a useful function, but in the long course of its development it has acquired certain unsatisfactory attributes which can now be removed only by legislation.

The last decade has seen a great deal of interest in the subject by legal scholars, a great deal of research has been done and a rising tide of critical writing is making its appearance in legal literature. Already statutory reform has been effected in Great Britain and in some of the states in Australia and the United States of America.

For an understanding of the rule, its present inappropriateness and the reforms that are contained in this Bill, it is necessary to study Report Number 1 of the Ontario Law Reform Commission, copies of which are available from the Commission.

BILL 96 **1965**

An Act to modify the Rule against Perpetuities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "court" means the Supreme Court;

(*b*) "life or lives in being" means a person or persons living or *en ventre sa mere*;

(*c*) "limitation" includes any provision whereby property or any interest in property, or any right, power or authority over property, is disposed of, created or conferred.

Rule against perpetuities to continue; saving

2. The rule of law known as the rule against perpetuities shall continue to have full effect except as otherwise provided in this Act.

Possibility of vesting beyond period

3. No limitation creating an interest in real or personal property shall be treated as or declared to be invalid as violating the rule against perpetuities by reason only of the fact that there is a possibility of such interest vesting beyond the perpetuity period.

Presumption of validity and "Wait and See"

4.—(1) Every interest in real or personal property that is capable of vesting within or beyond the perpetuity period shall be presumptively valid until actual events establish either,

(*a*) that the interest is incapable of vesting within the period, in which case the interest, unless validated by the application of sections 8 and 9, shall be treated or declared to be void; or

(*b*) that the interest is incapable of vesting outside the perpetuity period, in which case the interest shall be treated or declared to be valid.

General power of appointment

(2) A limitation conferring a general power of appointment, which but for this section would be void on the ground that it might become exercisable beyond the perpetuity period, shall be presumptively valid until such time, if any, as it becomes established by actual events that the power cannot be exercised within the perpetuity period.

Special power of appointment, etc.

(3) A limitation conferring any power, option or other right, other than a general power of appointment, which apart from this section would have been void on the ground that it might be exercised beyond the perpetuity period, shall be presumptively valid, and shall be declared or treated as void for remoteness only if, and so far as, the right is not fully exercised within the perpetuity period.

Applications to determine validity

5.—(1) An executor or trustee of any property or any person interested under, or on the invalidity of, an interest in such property may at any time apply to the court for a declaration as to the invalidity with respect to the rule against perpetuities of an interest in that property, and the court may on such application make an order of validity or invalidity of an interest based on the facts existing and the events that have occurred at the time of the application and having regard to sections 8 and 9.

Interim income

(2) Pending the treatment or declaration of a presumptively valid interest within the meaning of subsection 1 of section 4 as valid or invalid, the income arising from such interest and not otherwise disposed of shall be treated as income arising from a valid contingent interest, and any uncertainty whether the limitation will ultimately prove to be void for remoteness shall be disregarded.

Measuring lives and perpetuity period

6.—(1) Except as provided in section 9 and in subsection 3 of section 13, the perpetuity period shall be measured in the same way as if this Act had not been passed, but in measuring that period by including lives in being when the interest was created, no lives shall be included other than those of,

(*a*) the person by whom or any person to whom or in whose favour an interest is given or created;

(*b*) a person or persons to whom an earlier interest in the same property may have been given;

(*c*) a person or persons whose continued existence has a reasonable connection with the vesting or failure of the interest; or

(*d*) a person or persons who would have been considered as a life or lives in being for the purpose of the rule against perpetuities if this Act had not been passed.

Idem (2) Where there are no lives satisfying the conditions of subsection 1, the perpetuity period is twenty-one years.

Presumptions and evidence as to future parenthood **7.**—(1) Where in any proceedings respecting the rule against perpetuities a question arises that turns on the ability of a person to have a child at some future time, then,

(*a*) subject to clause *b*, it shall be presumed that a male is able to have a child at the age of fourteen years or over, but not under that age, and that a female is able to have a child at the age of twelve years of age or over, but not under that age or over the age of fifty-five years; but,

(*b*) in the case of a living person, evidence may be given to show that he or she will or will not be able to have a child at the time in question.

Idem (2) Subject to subsection 3, where any question is decided in relation to a limitation of interest by treating a person as able or unable to have a child at a particular time, then he or she shall be so treated for the purpose of any question that may arise concerning the rule against perpetuities in relation to the same limitation or interest notwithstanding that the evidence on which the finding of ability or inability to have a child at a particular time is proved by subsequent events to have been erroneous.

Idem (3) Where a question is decided by treating a person as unable to have a child at a particular time and such person subsequently has a child or children at that time, the court may make such order as it sees fit to protect the right that such child or children would have had in the property concerned if such the question had not been decided and if such child or children would, apart from such decision, have been entitled to a right in the property not in itself invalid by the application of the rule against perpetuities as modified by this Act.

Idem (4) The possibility that a person may at any time have a child by adoption, legitimation or by means other than by procreating or giving birth to a child shall not be considered

in deciding any question that turns on the ability of a person to have a child at some particular time, but, if a person does subsequently have a child or children by such means, then subsection 3 applies to such child or children.

Reduction of age

8.—(1) Where a limitation creates an interest in real or personal property by reference to the attainment by any person or persons of a specified age exceeding twenty-one years, and actual events existing at the time the interest was created or at any subsequent time establish,

(*a*) that the interest, apart from this section, would be void as incapable of vesting within the perpetuity period; but

(*b*) that it would not be void if the specified age had been twenty-one years,

the limitation shall be read as if, instead of referring to the age specified, it had referred to the age nearest that age that would, if specified instead, have prevented the interest from being so void.

Exclusion of class members to avoid remoteness

(2) Where the inclusion of any persons, being potential members of a class or unborn persons who at birth would become members or potential members of the class, prevents subsection 1 from operating to save a limitation creating an interest in favour of a class of persons from being void for remoteness, such persons shall be excluded from the class for all purposes of the limitation, and the limitation takes effect accordingly.

Idem

(3) Where a limitation creates an interest in favour of a class to which subsection 2 does not apply and actual events at the time of the creation of the interest or at any subsequent time establish that, apart from this subsection, the inclusion of any persons, being potential members of a class or unborn persons who at birth would become members or potential members of the class, would cause the limitation to the class to be void for remoteness, such persons shall be excluded from the class for all purposes of the limitation, and the limitation takes effect accordingly.

Interpretation

(4) For the purposes of this section, a person shall be treated as a member of a class if in his case all the conditions identifying a member of the class are satisfied, and he shall be treated as a potential member if in his case some only of those conditions are satisfied but there is a possibility that the remainder will in time be satisfied.

9. Where a limitation creates an interest in real or personal property by reference to the time of death of the survivor of a person in being at the commencement of the perpetuity period and any spouse of that person, for the purpose of validating any such limitation that, but for this section, would be void as offending the rule against perpetuities as modified by this Act, the spouse of such person shall be deemed to be a life in being at the commencement of the perpetuity period even though such spouse was not born until after that time. Condition relating to death of surviving spouse

10.—(1) A limitation that, if it stood alone, would be valid under the rule against perpetuities is not invalidated by reason only that it is preceded by one or more limitations that are invalid under the rule against perpetuities, whether or not such limitation expressly or by implication takes effect after, or is subject to, or is ulterior to and dependent upon, such invalid limitations or any of them. Saving

(2) Where a limitation is invalid as infringing the rule against perpetuities, any subsequent interest that, if it stood alone, would be valid is thereby accelerated. Acceleration of expectant interests

11.—(1) For the purpose of the rule against perpetuities, a power of appointment shall be treated as a special power unless, Powers of appointment

(*a*) in the instrument creating the power it is expressed to be exercisable by one person only; and

(*b*) it could, at all times during its currency when that person is of full age and capacity, be exercised by him so as immediately to transfer to himself the whole of the interest governed by the power without the consent of any other person or compliance with any other condition, not being a formal condition relating only to the mode of exercise of the power.

(2) A power that satisfies the conditions of subsection 1 shall, for the purpose of the rule against perpetuities, be treated as a general power, but, for the purpose of determining whether an appointment made under a power of appointment exercisable by will only is void for remoteness, the power shall be treated as a general power where it would have been so treated if exercisable by deed. Idem

12.—(1) The rule against perpetuities does not invalidate a power conferred on trustees or other persons to sell, lease, exchange or otherwise dispose of any property, or to do any Administrative powers of trustees

other act in the administration (as opposed to the distribution) of any property, including, where authorized, payment to trustees or other persons of reasonable remuneration for their services.

Application of subs. 1

(2) Subsection 1 applies for the purpose of enabling a power to be exercised at any time after this Act comes into force, notwithstanding that the power is conferred by an instrument that took effect before such time.

Options to acquire freeholds or reversions

13.—(1) The rule against perpetuities does not apply to an option to acquire for valuable consideration the freehold or other interest reversionary on the term of a lease,

(*a*) if the option is exercisable only by the lessee or his successors in title; and

(*b*) if it ceases to be exercisable at or before the expiration of one year following the determination of the lease.

Application of subs. 1

(2) Subsection 1 applies to an agreement for a lease as it applies to a lease, and "lessee" shall be construed accordingly.

Other options

(3) In the case of all other options to acquire for valuable consideration any interest in land, the perpetuity period under the rule against perpetuities is twenty-one years, and any such option that according to its terms is, or may be, exercisable at a date more than twenty-one years from the date of its creation is void on the expiry of twenty-one years from the date of its creation as between the person by whom it was made and the person to whom or in whose favour it was made and all persons claiming through either or both of them, and no remedy lies in contract or otherwise for giving effect to it or making restitution for its lack of effect.

Determinable interests

14. In the case of,

(*a*) a possibility of reverter on the determination of a determinable fee simple; or

(*b*) a possibility of a resulting trust on the determination of any determinable interest in real or personal property,

the rule against perpetuities as modified by this Act applies in relation to the provision causing the interest to be determinable as it would apply if that provision were expressed in the form of a condition subsequent giving rise on its breach to a right of re-entry or an equivalent right in the case of

personal property, and, where the event that determines the determinable interest does not occur within the perpetuity period, the provision shall be treated as void for remoteness and the determinable interest becomes an absolute interest.

Specific non-charitable trusts

15.—(1) A trust for a specific non-charitable purpose that creates no enforceable equitable interest in a specific person or persons shall be construed as a power to appoint the capital or the income, as the case may be, and, unless created for an illegal purpose or a purpose contrary to public policy, is valid so long as and to the extent that it is exercised either by the original trustee or his successor, within the perpetuity period, notwithstanding that the limitation creating the trust manifested an intention, either expressly or by implication, that the trust should or might continue for a period in excess of the perpetuity period; but, in the case of such a trust that is expressed to be of perpetual duration, the court has a discretion to avoid the whole limitation if it is of opinion that by so doing the result would more closely approximate the intention of the creator of the trust than the term of partial validity otherwise conferred by this section.

Idem

(2) To the extent that the income or capital of a trust for a specific non-charitable purpose is not fully expended within the perpetuity period, or within any annual or other recurring period within which the limitation creating the trust provided for the expenditure of all or a specified portion of the income or the capital, the person or persons, or his or their successors, who would have been entitled to the property comprised in the trust if the trust had been held to have been invalid from the time of its creation, are entitled to such unexpended income or capital.

Rule in *Whitby vs. Mitchell* abolished

16. The rule of law prohibiting the limitation, after a life interest to an unborn person, of an interest in land to the unborn child or other issue of an unborn person is hereby abolished, but without prejudice to any other rule relating to perpetuities.

Rules as to perpetuities not applicable to employee-benefit trusts

17. The rules of law and statutory enactments relating to perpetuities do not apply and shall be deemed never to have applied to the trusts of a plan, trust or fund established for the purpose of providing pensions, retirement allowances, annuities, or sickness, death or other benefits, to employees or to their widows, dependants or other beneficiaries.

Application of Act

18. Except as provided in subsection 2 of section 12, this Act applies only to instruments that take effect after this Act comes into force, and such instruments include an instrument

made in the exercise of a general or special power of appointment after this Act comes into force even though the instrument creating the power took effect before this Act comes into force.

Short title

19. This Act may be cited as *The Perpetuities Act, 1965*.

An Act to modify
the Rule against Perpetuities

1st Reading

April 8th, 1965

2nd Reading

3rd Reading

MR. WISHART

1965

BILL 97

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Accumulations Act

MR. WISHART

TORONTO
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Explanatory Notes

Section 1. This is complementary to Bill 96, *An Act to modify the Rule against Perpetuities*. Clauses *b* and *c* of subsection 1 of section 1 of the Act, as re-enacted by section 1 of the Bill, are new; they add two additional periods for which accumulations may be validly directed, namely, twenty-one years from the date of an *inter vivos* settlement and the minority or respective minorities of persons living at the date of a settlement *inter vivos*. The changes in the other clauses bring the language into line more closely with existing English legislation.

BILL 97 **1965**

An Act to amend The Accumulations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Accumulations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 4, s. 1, subs. 1, re-enacted

(1) No person shall dispose of any real or personal property so that the income thereof will be wholly or partially accumulated for any longer than, Maximum accumulation periods

(*a*) the life of the grantor;

(*b*) twenty-one years from the date of making an *inter vivos* disposition;

(*c*) the duration of the minority or respective minorities of any person or persons living or *en ventre sa mere* at the date of making an *inter vivos* disposition;

(*d*) twenty-one years from the death of the grantor, settlor or testator;

(*e*) the duration of the minority or respective minorities of any person or persons living or *en ventre sa mere* at the death of the grantor, settlor or testator; or

(*f*) the duration of the minority or respective minorities of any person or persons who, under the instrument directing the accumulations, would, for the time being, if of full age, be entitled to the income directed to be accumulated.

(1*a*) The restrictions imposed by subsection 1 apply in relation to a power to accumulate income whether Application of subs. 1 restrictions

or not there is a duty to exercise that power, and such restrictions also apply whether or not the power to accumulate extends to income produced by the investment of income previously accumulated.

R.S.O. 1960, c. 4, amended

2. *The Accumulations Act* is amended by adding thereto the following section:

Rules as to accumulations not applicable to employee benefit trusts

3. The rules of law and statutory enactments relating to accumulations do not apply and shall be deemed never to have applied to the trusts of a plan, trust or fund established for the purpose of providing pensions, retirement allowances, annuities, or sickness, death or other benefits to employees or to their widows, dependants or other beneficiaries.

Short title

3. This Act may be cited as *The Accumulations Amendment Act, 1965*.

SECTION 2. This provision is now section 64 of *The Conveyancing and Law of Property Act.* It is being transferred to a more appropriate place. See Bill 99, *An Act to amend The Conveyancing and Law of Property Act.*

An Act to amend The Accumulations Act

1st Reading

April 8th, 1965

2nd Reading

3rd Reading

MR. WISHART

1965

BILL 98

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Trustee Act

MR. WISHART

TORONTO
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Explanatory Note

This Bill is complementary to Bill 96, *An Act to modify the Rule against Perpetuities.*

The latter Bill makes the issue of the possibility of having children a question of actual fact, assisted by a number of presumptions founded on medical science.

This Bill extends these principles to the trustee field. They will apply whenever any question of the possibility or impossibility of a person having children in the future may arise for decision.

BILL 98 **1965**

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Trustee Act* is amended by adding thereto the following section: R.S.O. 1960, c. 408, amended

64*a*. Where in the administration of any trust, estate or fund any question relating to the disposition, transmission or devolution of any property arises, including the right of any person to terminate a trust or an accumulation directed under a trust or other disposition, and it becomes relevant to inquire whether any person is or at a relevant date was or will be capable of procreating or giving birth to a child, section 7 of *The Perpetuities Act, 1965* applies to any such question as it applies to questions concerning the rule against perpetuities. Application of 1965, c. . ., s. 7

2. This Act may be cited as *The Trustee Amendment Act, 1965* (*No. 2*). Short title

An Act to amend The Trustee Act

1st Reading

April 8th, 1965

2nd Reading

3rd Reading

MR. WISHART

1965

BILL 99

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Conveyancing and Law of Property Act

MR. WISHART

TORONTO
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EXPLANATORY NOTE

The section repealed, which deals with accumulations and perpetuities, is being divided and transferred to more appropriate places. See section 17 of Bill 96, *An Act to modify the Rule against Perpetuities*, and section 2 of Bill 97, *An Act to amend The Accumulations Act.*

BILL 99 **1965**

An Act to amend The Conveyancing and Law of Property Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 64 of *The Conveyancing and Law of Property Act* is repealed. R.S.O. 1960, c. 66, s. 64, repealed

2. This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1965*. Short title

An Act to amend The Conveyancing and Law of Property Act

1st Reading

April 8th, 1965

2nd Reading

3rd Reading

MR. WISHART

1965

BILL 100

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The General Sessions Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. The sittings of the General Sessions of the Peace in Essex County is changed from the third Monday in November to the first Monday in October. The new date coincides with the county court non-jury sittings.

SECTION 2. Self-explanatory.

BILL 100 **1965**

An Act to amend The General Sessions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 3 of *The General Sessions Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 163, s. 3, subs. 4, re-enacted

(4) In the county of Essex, the sittings of the court in each year shall commence on the first Monday in April and in October. Essex

2. *The General Sessions Act* is amended by adding thereto the following section: R.S.O. 1960, c. 163, amended

4*a*. The chief judge may require additional sittings of the court to be held in the county and at the time that he specifies. Additional sittings

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The General Sessions Amendment Act, 1965*. Short title

An Act to amend The General Sessions Act

1st Reading

April 12th, 1965

2nd Reading

3rd Reading

MR. WISHART

1965

BILL 100

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The General Sessions Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 100 **1965**

An Act to amend The General Sessions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 3 of *The General Sessions Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 163, s. 3, subs. 4, re-enacted

(4) In the county of Essex, the sittings of the court in each year shall commence on the first Monday in April and in October. Essex

2. *The General Sessions Act* is amended by adding thereto the following section: R.S.O. 1960, c. 163, amended

4*a*. The chief judge may require additional sittings of the court to be held in the county and at the time that he specifies. Additional sittings

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The General Sessions Amendment Act, 1965*. Short title

An Act to amend The General Sessions Act

1st Reading

April 12th, 1965

2nd Reading

April 28th, 1965

3rd Reading

June 21st, 1965

MR. WISHART

1965

BILL 101

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Ontario Housing Corporation Act, 1964

MR. RANDALL

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The commencement of the fiscal year of the Corporation is changed from the 1st day of April to the 1st day of January.

BILL 101 **1965**

An Act to amend The Ontario Housing Corporation Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Ontario Housing Corporation Act, 1964* is repealed and the following substituted therefor: 1964, c. 76, s. 2, subs. 3, re-enacted

(3) The fiscal year of the Corporation commences on the 1st day of January in each year and ends on the 31st day of December next following. Fiscal year

2. This Act comes into force on the 1st day of January, 1966. Commencement

3. This Act may be cited as *The Ontario Housing Corporation Amendment Act, 1965*. Short title

An Act to amend The Ontario Housing Corporation Act, 1964

1st Reading

April 12th, 1965

2nd Reading

3rd Reading

MR. RANDALL

1965

BILL 101

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Ontario Housing Corporation Act, 1964

MR. RANDALL

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The commencement of the fiscal year of the Corporation is changed from the 1st day of April to the 1st day of January.

BILL 101 **1965**

An Act to amend The Ontario Housing Corporation Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Ontario Housing Corporation Act, 1964* is repealed and the following substituted therefor: 1964, c. 76, s. 2, subs. 3, re-enacted

(3) The fiscal year of the Corporation commences on the 1st day of January in each year and ends on the 31st day of December next following. Fiscal year

2. Notwithstanding subsection 3 of section 2 of *The Ontario Housing Corporation Act, 1964*, the fiscal year of the Corporation that commenced on the 1st day of April, 1965, shall end on the 31st day of December, 1965. Termination of current fiscal year

3. This Act may be cited as *The Ontario Housing Corporation Amendment Act, 1965*. Short title

An Act to amend The Ontario Housing Corporation Act, 1964

1st Reading

April 12th, 1965

2nd Reading

April 28th, 1965

3rd Reading

MR. RANDALL

(Reprinted as amended by the Committee of the Whole House)

1965

BILL 101

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Ontario Housing Corporation Act, 1964

MR. RANDALL

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 101 **1965**

An Act to amend The Ontario Housing Corporation Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 2 of *The Ontario Housing Corporation Act, 1964* is repealed and the following substituted therefor: 1964, c. 76, s. 2, subs. 3, re-enacted

(3) The fiscal year of the Corporation commences on the 1st day of January in each year and ends on the 31st day of December next following. Fiscal year

2. Notwithstanding subsection 3 of section 2 of *The Ontario Housing Corporation Act, 1964*, the fiscal year of the Corporation that commenced on the 1st day of April, 1965, shall end on the 31st day of December, 1965. Termination of current fiscal year

3. This Act may be cited as *The Ontario Housing Corporation Amendment Act, 1965*. Short title

An Act to amend The Ontario Housing Corporation Act, 1964

1st Reading

April 12th, 1965

2nd Reading

April 28th, 1965

3rd Reading

June 21st, 1965

MR. RANDALL

1965

BILL 102

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Sheridan Park Corporation Act, 1964

MR. RANDALL

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

At present, the Corporation is limited to acquiring and developing lands in the area set out in the Schedule to the Act. Clause *a*, as revised, will permit the acquisition and development of such other lands as the Corporation considers necessary for the purposes of research and of establishing a centralized research complex.

BILL 102 **1965**

An Act to amend The Sheridan Park Corporation Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 6 of *The Sheridan Park Corporation Act, 1964* is repealed and the following substituted therefor: 1964, c. 109, s. 6, cl. *a*, re-enacted

(*a*) to acquire and develop,

(i) lands within the area described in the Schedule hereto, and

(ii) such other lands as the Corporation in its opinion considers necessary,

for the purposes of research and ancillary services and generally for establishing a centralized research complex.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Sheridan Park Corporation Amendment Act, 1965*. Short title

An Act to amend
The Sheridan Park Corporation Act, 1964

1st Reading

April 12th, 1965

2nd Reading

3rd Reading

MR. RANDALL

1965

BILL 102

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Sheridan Park Corporation Act, 1964

MR. RANDALL

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 102 **1965**

An Act to amend The Sheridan Park Corporation Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 6 of *The Sheridan Park Corporation Act, 1964* is repealed and the following substituted therefor: 1964, c. 109, s. 6, cl. *a*, re-enacted

(*a*) to acquire and develop,

(i) lands within the area described in the Schedule hereto, and

(ii) such other lands as the Corporation in its opinion considers necessary,

for the purposes of research and ancillary services and generally for establishing a centralized research complex.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Sheridan Park Corporation Amendment Act, 1965*. Short title

An Act to amend
The Sheridan Park Corporation Act, 1964

1st Reading

April 12th, 1965

2nd Reading

April 28th, 1965

3rd Reading

June 21st, 1965

MR. RANDALL

1965

BILL 103

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to require and regulate Lifesaving Equipment and Services and Other Safeguards for the Public at Public Beaches

MR. PATERSON

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Bill provides the machinery for requiring standards of lifesaving equipment and services and other safeguards for the protection of the public at public beaches.

BILL 103 **1965**

An Act to require and regulate Lifesaving Equipment and Services and Other Safeguards for the Public at Public Beaches

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "beach" means the part of the shore of a body of water, other than an artificial swimming pool, at which the public is invited to swim;

(*b*) "operator" means an individual, association of persons, corporation or public authority that owns, operates or manages a beach, and includes the Crown.

2. The operator of a beach shall post and maintain a sign at each entrance thereto indicating that the beach is a public beach. Signs for public beaches

3. The operator of a beach shall define the limits of the beach by means of a fence and such signs as are prescribed by the regulations, and shall define the limits of the waters adjacent to the beach that are available to the public by such markers as are prescribed by the regulations. Limits of beach to be defined

4.—(1) The Lieutenant Governor in Council may make regulations, Regulations

(*a*) requiring and prescribing the lifesaving equipment and services and the safeguards to be provided by operators for the users of beaches;

(*b*) prescribing signs and markers for the purposes of sections 2 and 3 and regulating their erection and maintenance.

Penalty

(2) Any person who contravenes a regulation made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine not exceeding $1,000.

Commencement

5. This Act comes into force on the 1st day of October, 1965.

Short title

6. This Act may be cited as *The Beaches Regulation Act, 1965*.

An Act to require and regulate Lifesaving Equipment and Services and Other Safeguards for the Public at Public Beaches

---

1st Reading

April 12th, 1965

2nd Reading

3rd Reading

MR. PATERSON

1965

BILL 104

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Ontario Energy Board Act, 1964

MR. SIMONETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. These new provisions set out yard-sticks that the Board must use in approving or fixing rates.

BILL 104 **1965**

An Act to amend The Ontario Energy Board Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Ontario Energy Board Act, 1964* is amended by adding thereto the following subsections: 1964, c. 74, s. 19, amended

(1*a*) In approving or fixing rates and other charges under subsection 1, the Board shall determine a rate base for the property of the transmitter, distributor or storage company that is used or useful in serving the public, and shall determine whether the return on such rate base produced or to be produced by such rates and other charges is reasonable. Board to determine rate base

(1*b*) The rate base to be determined by the Board under subsection 1*a* shall be the total of, Formula for determining rate base

(*a*) an amount for the property, plant and equipment equal to the actual cost thereof to the present owner, less an amount deemed adequate by the Board for depreciation, amortization and depletion, but,

(i) if the actual cost to the present owner of any property, plant or equipment cannot be ascertained, the amount to be included in the rate base as the actual cost thereof shall be determined or calculated by the Board from the evidence adduced at the hearing, and

(ii) if the actual cost to the present owner of any property, plant or equipment used or useful in serving the public was, in the opinion of the Board, excessive,

the amount to be included in the rate base as the actual cost thereof shall be determined by the Board from the evidence adduced at the hearing;

(*b*) an amount that represents a reasonable allowance for working capital; and

(*c*) such other amounts as, in the opinion of the Board, ought to be included.

1964, c. 74, s. 27, re-enacted

2. Section 27 of *The Ontario Energy Board Act, 1964* is repealed and the following substituted therefor:

Rules and regulations of Board

27.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may,

(*a*) make rules regulating its practice and procedure;

(*b*) prescribe classes of distributors, transmitters and storage companies;

(*c*) require and provide for the making of returns, statements or reports by any class of distributors, transmitters or storage companies, or any associates thereof, in such form, and containing such matters and verified in such manner, as the Board may prescribe;

(*d*) prescribe a uniform system of accounts applicable to any class of distributors, transmitters or storage companies.

Idem, uniform system of accounts

(2) Any uniform system of accounts prescribed under clause *d* of subsection 1 may require the approval, consent or determination of the Board in respect of any of the matters provided for in such system.

1964, c. 74, s. 35, subs. 1, cls. *g-j*, repealed

3. Clauses *g*, *h*, *i* and *j* of subsection 1 of section 35 of *The Ontario Energy Board Act, 1964* are repealed.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ontario Energy Board Amendment Act, 1965*.

SECTIONS 2 and 3. Clauses *g*, *h*, *i* and *j* of section 35 (1) are transferred and appear as clauses *b*, *c* and *d* of section 27 (1) as re-enacted in order to give greater administrative flexibility.

An Act to amend
The Ontario Energy Board Act, 1964

1st Reading

April 13th, 1965

2nd Reading

3rd Reading

MR. SIMONETT

1965

BILL 104

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Ontario Energy Board Act, 1964

MR. SIMONETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 104 **1965**

An Act to amend The Ontario Energy Board Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Ontario Energy Board Act, 1964* is amended by adding thereto the following subsections: 1964, c. 74, s. 19, amended

(1*a*) In approving or fixing rates and other charges under subsection 1, the Board shall determine a rate base for the property of the transmitter, distributor or storage company that is used or useful in serving the public, and shall determine whether the return on such rate base produced or to be produced by such rates and other charges is reasonable. Board to determine rate base

(1*b*) The rate base to be determined by the Board under subsection 1*a* shall be the total of, Formula for determining rate base

(*a*) an amount for the property, plant and equipment equal to the actual cost thereof to the present owner, less an amount deemed adequate by the Board for depreciation, amortization and depletion, but,

(i) if the actual cost to the present owner of any property, plant or equipment cannot be ascertained, the amount to be included in the rate base as the actual cost thereof shall be determined or calculated by the Board from the evidence adduced at the hearing, and

(ii) if the actual cost to the present owner of any property, plant or equipment used or useful in serving the public was, in the opinion of the Board, excessive,

the amount to be included in the rate base as the actual cost thereof shall be determined by the Board from the evidence adduced at the hearing;

(*b*) an amount that represents a reasonable allowance for working capital; and

(*c*) such other amounts as, in the opinion of the Board, ought to be included.

1964, c. 74, s. 27, re-enacted

2. Section 27 of *The Ontario Energy Board Act, 1964* is repealed and the following substituted therefor:

Rules and regulations of Board

27.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may,

(*a*) make rules regulating its practice and procedure;

(*b*) prescribe classes of distributors, transmitters and storage companies;

(*c*) require and provide for the making of returns, statements or reports by any class of distributors, transmitters or storage companies, or any associates thereof, in such form, and containing such matters and verified in such manner, as the Board may prescribe;

(*d*) prescribe a uniform system of accounts applicable to any class of distributors, transmitters or storage companies.

Idem, uniform system of accounts

(2) Any uniform system of accounts prescribed under clause *d* of subsection 1 may require the approval, consent or determination of the Board in respect of any of the matters provided for in such system.

1964, c. 74, s. 35, subs. 1, cls. *g-j*, repealed

3. Clauses *g*, *h*, *i* and *j* of subsection 1 of section 35 of *The Ontario Energy Board Act, 1964* are repealed.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ontario Energy Board Amendment Act, 1965*.

An Act to amend
The Ontario Energy Board Act, 1964

1st Reading

April 13th, 1965

2nd Reading

April 28th, 1965

3rd Reading

June 21st, 1965

MR. SIMONETT

1965

BILL 105

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Municipal Act

MR. YOUNG

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The repealed provisions require that contributions by municipalities under insurance, hospitalization or medical plans do not exceed the contributions made by its employees.

BILL 105 **1965**

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of paragraph 61 of section 377 of *The Municipal Act* is repealed. R.S.O. 1960, c. 249, s. 377, par. 61, cl. *a*, repealed

(2) Clause *a* of paragraph 62 of the said section 377 is repealed. R.S.O. 1960, c. 249, s. 377, par. 62, cl. *a*, repealed

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Municipal Amendment Act, 1965*. Short title

An Act to amend The Municipal Act

1st Reading

April 13th, 1965

2nd Reading

3rd Reading

MR. YOUNG

1965

BILL 106

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Mental Hospitals Act

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The purpose of this Bill is to change the name of the class of patient known as "voluntary patient" to "informal patient" and to bring the Act in line with recent jurisdictional changes in *The Mental Incompetency Act.*

BILL 106 **1965**

An Act to amend The Mental Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Mental Hospitals Act*, as amended by section 3 of *The Mental Hospitals Amendment Act, 1962-63*, is further amended by striking out "Any person who is mentally ill may be admitted to an institution as a voluntary patient, and" in the first and second lines, so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 236, s. 19, amended

19. Any person who is mentally ill or mentally defective may be admitted to an institution as, Who may be admitted

. . . . .

2. Section 21 of *The Mental Hospitals Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 236, s. 21, re-enacted

21.—(1) Notwithstanding any provision of this Act, the superintendent of an institution may, upon the application of a medical practitioner, admit as an informal patient any person who is or is believed to be in need of the observation, care and treatment provided in the institution. Informal patients

(2) The application of a medical practitioner under subsection 1 shall be accompanied by his recommendation based upon his examination of the person sought to be admitted. Examination required

(3) Nothing in this Act shall be deemed to prevent an informal patient from leaving at any time an institution in which he is a patient. Right to leave

3. Subsection 1 of section 27 of *The Mental Hospitals Act* is amended by striking out "subsection 2 of" in the first line, by striking out "mentally ill" in the second line and by striking R.S.O. 1960, c. 236, s. 27, subs. 1, amended

out "a voluntary" in the second and third lines and inserting in lieu thereof "an informal", so that the subsection shall read as follows:

Certification of patient

(1) Notwithstanding anything in section 21, any person who has been admitted as an informal patient or a habituate patient, or any person admitted under section 22 or 38, or any person detained under section 57, may be continued as a certificated patient upon the certificate of two medical practitioners with the accompanying history record in the prescribed form.

R.S.O. 1960, c. 236, s. 44, repealed

4. Section 44 of *The Mental Hospitals Act* is repealed.

R.S.O. 1960, c. 236, amended

5. *The Mental Hospitals Act* is amended by adding thereto the following section:

Continuation as informal patient

46*a*. Where a patient has been discharged under section 45 or 46, he may be continued as an informal patient under section 21 upon his own request or the request of a relative or friend.

R.S.O. 1960, c. 236, s. 49, re-enacted

6. Section 49 of *The Mental Hospitals Act*, as amended by section 6 of *The Mental Hospitals Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Admission of habitues

49. The superintendent of an institution may admit an habitue to the institution as an informal patient, and section 21 applies *mutatis mutandis* to such person.

R.S.O. 1960, c. 236, s. 81, re-enacted

7. Section 81 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Where committee appointed other than Public Trustee

81. If prior to or at the time a person is admitted as a patient in an institution some person other than the Public Trustee has been appointed to be the committee of the estate of the person, the Public Trustee shall not in such case be the committee unless he is subsequently appointed as such by the Supreme Court.

R.S.O. 1960, c. 236, s. 82, amended

8. Section 82 of *The Mental Hospitals Act* is amended by striking out "by the Supreme Court" in the third line, so that the section shall read as follows:

Appointment of Public Trustee instead of committee under R.S.O. 1960, c. 237

82. Notwithstanding that under *The Mental Incompetency Act* some person other than the Public Trustee has been appointed as the committee of the estate of a patient in an institution, the Supreme Court may at any time upon the application of the Public

Trustee appoint him as committee in the place and stead of the person theretofore appointed, and on appointment the Public Trustee has and may exercise all the rights and powers conferred upon him by this Act with regard to the management of patients' estates.

9.—(1) Clause *a* of section 83 of *The Mental Hospitals Act*, as re-enacted by section 10 of *The Mental Hospitals Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 236, s. 83 (1962-63, c. 81, s. 10), cl. *a*, re-enacted

(*a*) an informal patient;

(*aa*) an habitue admitted under section 49.

(2) The said section 83 is amended by adding thereto the following subsection: R.S.O. 1960, c. 236, s. 83 (1962-63, c. 81, s. 10), amended

(2) Where the Public Trustee was committee of the estate of a person continued as an informal patient under section 46*a* immediately prior to the discharge of that patient under section 45 or 46, the Public Trustee shall continue to be committee if the superintendent of the institution certifies in writing to the Public Trustee that he is of the opinion that the patient is not competent to manage his affairs. Exception

10. Section 84 of *The Mental Hospitals Act* is amended by striking out "If the Supreme Court at any time appoints a committee of the estate of a patient under *The Mental Incompetency Act*" in the first, second and third lines and inserting in lieu thereof "If at any time a committee of the estate of a patient is appointed under *The Mental Incompetency Act*", so that the section shall read as follows: R.S.O. 1960, c. 236, s. 84, amended

84. If at any time a committee of the estate of a patient is appointed under *The Mental Incompetency Act*, the Public Trustee thereupon ceases to be committee, and shall account for and transfer to the committee so appointed the estate of the patient that has come into his hands, retaining, however, so much as is due for the maintenance of the patient. Appointment of committee by court R.S.O. 1960, c. 237

11. Section 87 of *The Mental Hospitals Act* is amended by striking out "judge of the Supreme Court" in the fourth line and inserting in lieu thereof "judge of the court in which the action is intended to be brought", so that the section shall read as follows: R.S.O. 1960, c. 236, s. 87, amended

Where no action without leave

87. No person, other than the Public Trustee, shall bring an action as next friend of a person of whose estate the Public Trustee is committee under this Act or an order made under this Act without the leave of a judge of the court in which the action is intended to be brought, and the Public Trustee shall be served with notice of the application for such leave.

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Mental Hospitals Amendment Act, 1965*.

An Act to amend The Mental Hospitals Act

1st Reading

April 13th, 1965

2nd Reading

3rd Reading

MR. DYMOND

1965

BILL 106

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Mental Hospitals Act

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 106 **1965**

An Act to amend The Mental Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Mental Hospitals Act*, as amended by section 3 of *The Mental Hospitals Amendment Act, 1962-63*, is further amended by striking out "Any person who is mentally ill may be admitted to an institution as a voluntary patient, and" in the first and second lines, so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 236, s. 19, amended

19. Any person who is mentally ill or mentally defective may be admitted to an institution as, Who may be admitted

. . . . . .

2. Section 21 of *The Mental Hospitals Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 236, s. 21, re-enacted

21.—(1) Notwithstanding any provision of this Act, the superintendent of an institution may, upon the application of a medical practitioner, admit as an informal patient any person who is or is believed to be in need of the observation, care and treatment provided in the institution. Informal patients

(2) The application of a medical practitioner under subsection 1 shall be accompanied by his recommendation based upon his examination of the person sought to be admitted. Examination required

(3) Nothing in this Act shall be deemed to prevent an informal patient from leaving at any time an institution in which he is a patient. Right to leave

3. Subsection 1 of section 27 of *The Mental Hospitals Act* is amended by striking out "subsection 2 of" in the first line, by striking out "mentally ill" in the second line and by striking R.S.O. 1960, c. 236, s. 27, subs. 1, amended

out "a voluntary" in the second and third lines and inserting in lieu thereof "an informal", so that the subsection shall read as follows:

Certification of patient

(1) Notwithstanding anything in section 21, any person who has been admitted as an informal patient or a habituate patient, or any person admitted under section 22 or 38, or any person detained under section 57, may be continued as a certificated patient upon the certificate of two medical practitioners with the accompanying history record in the prescribed form.

R.S.O. 1960, c. 236, s. 44, repealed

4. Section 44 of *The Mental Hospitals Act* is repealed.

R.S.O. 1960, c. 236, amended

5. *The Mental Hospitals Act* is amended by adding thereto the following section:

Continuation as informal patient

46*a*. Where a patient has been discharged under section 45 or 46, he may be continued as an informal patient under section 21 upon his own request or the request of a relative or friend.

R.S.O. 1960, c. 236, s. 49, re-enacted

6. Section 49 of *The Mental Hospitals Act*, as amended by section 6 of *The Mental Hospitals Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Admission of habitues

49. The superintendent of an institution may admit an habitue to the institution as an informal patient, and section 21 applies *mutatis mutandis* to such person.

R.S.O. 1960, c. 236, s. 81, re-enacted

7. Section 81 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Where committee appointed other than Public Trustee

81. If prior to or at the time a person is admitted as a patient in an institution some person other than the Public Trustee has been appointed to be the committee of the estate of the person, the Public Trustee shall not in such case be the committee unless he is subsequently appointed as such by the Supreme Court.

R.S.O. 1960, c. 236, s. 82, amended

8. Section 82 of *The Mental Hospitals Act* is amended by striking out "by the Supreme Court" in the third line, so that the section shall read as follows:

Appointment of Public Trustee instead of committee under R.S.O. 1960, c. 237

82. Notwithstanding that under *The Mental Incompetency Act* some person other than the Public Trustee has been appointed as the committee of the estate of a patient in an institution, the Supreme Court may at any time upon the application of the Public

Trustee appoint him as committee in the place and stead of the person theretofore appointed, and on appointment the Public Trustee has and may exercise all the rights and powers conferred upon him by this Act with regard to the management of patients' estates.

9.—(1) Clause *a* of section 83 of *The Mental Hospitals Act*, as re-enacted by section 10 of *The Mental Hospitals Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 236, s. 83 (1962-63, c. 81, s. 10), cl. *a*, re-enacted

(*a*) an informal patient;

(*aa*) an habitue admitted under section 49.

(2) The said section 83 is amended by adding thereto the following subsection: R.S.O. 1960, c. 236, s. 83 (1962-63, c. 81, s. 10), amended

(2) Where the Public Trustee was committee of the estate of a person continued as an informal patient under section 46*a* immediately prior to the discharge of that patient under section 45 or 46, the Public Trustee shall continue to be committee if the superintendent of the institution certifies in writing to the Public Trustee that he is of the opinion that the patient is not competent to manage his affairs. Exception

10. Section 84 of *The Mental Hospitals Act* is amended by striking out "If the Supreme Court at any time appoints a committee of the estate of a patient under *The Mental Incompetency Act*" in the first, second and third lines and inserting in lieu thereof "If at any time a committee of the estate of a patient is appointed under *The Mental Incompetency Act*", so that the section shall read as follows: R.S.O. 1960, c. 236, s. 84, amended

84. If at any time a committee of the estate of a patient is appointed under *The Mental Incompetency Act*, the Public Trustee thereupon ceases to be committee, and shall account for and transfer to the committee so appointed the estate of the patient that has come into his hands, retaining, however, so much as is due for the maintenance of the patient. Appointment of committee by court R.S.O. 1960, c. 237

11. Section 87 of *The Mental Hospitals Act* is amended by striking out "judge of the Supreme Court" in the fourth line and inserting in lieu thereof "judge of the court in which the action is intended to be brought", so that the section shall read as follows: R.S.O. 1960, c. 236, s. 87, amended

Where no action without leave

87. No person, other than the Public Trustee, shall bring an action as next friend of a person of whose estate the Public Trustee is committee under this Act or an order made under this Act without the leave of a judge of the court in which the action is intended to be brought, and the Public Trustee shall be served with notice of the application for such leave.

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Mental Hospitals Amendment Act, 1965*.

An Act to amend The Mental Hospitals Act

1st Reading

April 13th, 1965

2nd Reading

April 28th, 1965

3rd Reading

June 21st, 1965

MR. DYMOND

BILL 107

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Ophthalmic Dispensers Act, 1960-61

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

This Bill is designed to widen the standards under which a person may qualify for registration as an ophthalmic dispenser (i.e. an optician).

Subclauses ii and iii of clause *b* of section 7 are new.

BILL 107 **1965**

An Act to amend The Ophthalmic Dispensers Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 7 of *The Ophthalmic Dispensers Act, 1960-61*, as re-enacted by section 1 of *The Ophthalmic Dispensers Amendment Act, 1962-63*, is repealed and the following substituted therefor: 1960-61, c. 72, s. 7, cl. *b* (1962-63, c. 100, s. 1), re-enacted

(*b*) has,

(i) completed a course of study in a school of ophthalmic dispensing approved under the regulations and has had practical training for one year in Canada with an ophthalmic dispenser or optometrist; or

(ii) completed at least three years training and experience in ophthalmic dispensing, at least one of which was in Canada, under the supervision of a legally qualified medical practitioner, wholesale optical company, ophthalmic dispenser or optometrist and has completed a home study course as prescribed by the regulations; or

(iii) in the opinion of the Board, the qualifications and experience equivalent to that set forth in subclause i or ii and has had one year's experience in Canada, under the supervision of a legally qualified medical practitioner, wholesale optical company, ophthalmic dispenser or optometrist.

2. Section 22 of *The Ophthalmic Dispensers Act, 1960-61*, as amended by section 3 of *The Ophthalmic Dispensers Amendment Act, 1961-62*, is further amended by adding thereto the following clause: 1960-61, c. 72, s. 22, amended

(*aa*) prescribing courses of home study.

Commencement

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Ophthalmic Dispensers Amendment Act, 1965*.

An Act to amend
The Ophthalmic Dispensers Act, 1960-61

1st Reading

April 13th, 1965

2nd Reading

3rd Reading

MR. DYMOND

1965

BILL 107

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Ophthalmic Dispensers Act, 1960-61

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 107 **1965**

An Act to amend The Ophthalmic Dispensers Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 7 of *The Ophthalmic Dispensers Act, 1960-61*, as re-enacted by section 1 of *The Ophthalmic Dispensers Amendment Act, 1962-63*, is repealed and the following substituted therefor: 1960-61, c. 72, s. 7, cl. *b* (1962-63, c. 100, s. 1), re-enacted

(*b*) has,

(i) completed a course of study in a school of ophthalmic dispensing approved under the regulations and has had practical training for one year in Canada with an ophthalmic dispenser or optometrist; or

(ii) completed at least three years training and experience in ophthalmic dispensing, at least one of which was in Canada, under the supervision of a legally qualified medical practitioner, wholesale optical company, ophthalmic dispenser or optometrist and has completed a home study course as prescribed by the regulations; or

(iii) in the opinion of the Board, the qualifications and experience equivalent to that set forth in subclause i or ii and has had one year's experience in Canada, under the supervision of a legally qualified medical practitioner, wholesale optical company, ophthalmic dispenser or optometrist.

2. Section 22 of *The Ophthalmic Dispensers Act, 1960-61*, as amended by section 3 of *The Ophthalmic Dispensers Amendment Act, 1961-62*, is further amended by adding thereto the following clause: 1960-61, c. 72, s. 22, amended

(*aa*) prescribing courses of home study.

Commencement

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The Ophthalmic Dispensers Amendment Act, 1965*.

An Act to amend
The Ophthalmic Dispensers Act, 1960-61

1st Reading

April 13th, 1965

2nd Reading

April 28th, 1965

3rd Reading

June 21st, 1965

MR. DYMOND

1965

BILL 108

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Pharmacy Act

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of this Bill is to add new provisions to the Act that will strengthen the disciplinary procedures of The Ontario College of Pharmacy.

BILL 108 **1965**

An Act to amend The Pharmacy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Pharmacy Act* is amended by adding thereto the following section: R.S.O. 1960, c. 295, amended

Subpoenas

29*a*.—(1) The Council and a member who is the subject of disciplinary proceedings may, without leave or order, obtain from the Supreme Court a subpoena commanding the attendance and examination of any witness and also the production of any document, the production of which could be compelled at the trial of an action, to and before the discipline committee at the time and place mentioned in the subpoena, and disobedience to the subpoena shall be deemed a contempt of court, but the person whose attendance is required is entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in the Supreme Court.

Testimony may be under oath, etc.

(2) The testimony of witnesses at hearings of the discipline committee may be taken under oath to be administered by the chairman or other member of the committee, and there shall be full right to cross-examine all witnesses called and to call evidence in defence and reply.

Costs

(3) Where the Council or the discipline committee finds that a member is guilty of professional misconduct, it may direct that the member pay to the College the costs of and incidental to the disciplinary proceedings including the cost of reporting and transcribing the evidence, and such costs shall be taxed on the Supreme Court scale by the taxing officer of the Supreme Court at Toronto, upon whose certificate execution may issue out of the Supreme Court for the collection of such costs by the College as upon a judgment in an action in such Court.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Pharmacy Amendment Act, 1965.*



An Act to amend The Pharmacy Act

1st Reading

April 13th, 1965

2nd Reading

3rd Reading

MR. DYMOND

1965

BILL 108

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Pharmacy Act

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 108 **1965**

An Act to amend The Pharmacy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Pharmacy Act* is amended by adding thereto the following section: R.S.O. 1960, c. 295, amended

Subpoenas

29*a*.—(1) The Council and a member who is the subject of disciplinary proceedings may, without leave or order, obtain from the Supreme Court a subpoena commanding the attendance and examination of any witness and also the production of any document, the production of which could be compelled at the trial of an action, to and before the discipline committee at the time and place mentioned in the subpoena, and disobedience to the subpoena shall be deemed a contempt of court, but the person whose attendance is required is entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in the Supreme Court.

Testimony may be under oath, etc.

(2) The testimony of witnesses at hearings of the discipline committee may be taken under oath to be administered by the chairman or other member of the committee, and there shall be full right to cross-examine all witnesses called and to call evidence in defence and reply.

Costs

(3) Where the Council or the discipline committee finds that a member is guilty of professional misconduct, it may direct that the member pay to the College the costs of and incidental to the disciplinary proceedings including the cost of reporting and transcribing the evidence, and such costs shall be taxed on the Supreme Court scale by the taxing officer of the Supreme Court at Toronto, upon whose certificate execution may issue out of the Supreme Court for the collection of such costs by the College as upon a judgment in an action in such Court.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Pharmacy Amendment Act, 1965.*

An Act to amend The Pharmacy Act

1st Reading

April 13th, 1965

2nd Reading

April 28th, 1965

3rd Reading

June 21st, 1965

MR. DYMOND

1965

BILL 109

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Ontario Municipal Board Act

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides that the approval of the Board is not required to contracts made by district assessors.

Subsection 2. The amendment is for the purpose of clarification only.

SECTION 2. The period of sixty days within which a petition may be made to the Lieutenant Governor in Council with respect to a decision of the Board is reduced to twenty-eight days.

BILL 109 **1965**

An Act to amend The Ontario Municipal Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 64 of *The Ontario Municipal Board Act*, as re-enacted by subsection 2 of section 1 of *The Ontario Municipal Board Amendment Act, 1962-63*, is amended by adding "or" at the end of clause *b* and by adding thereto the following clause: R.S.O. 1960, c. 274, s. 64, subs. 2 (1962-63, c. 97, s. 1, subs. 2), amended

(*c*) to contracts made by a district assessor.

(2) Subsection 3 of the said section 64 is amended by inserting after "subsection 1" in the fifth line "or of section 65", so that the subsection shall read as follows: R.S.O. 1960, c. 274, s. 64, subs. 3, amended

(3) The passing of a by-law by a council to authorize or to exercise any of its powers to proceed with, or to provide any money for, any undertaking, work, project, scheme, act, matter or thing referred to in subsection 1 shall not be deemed to be in contravention of subsection 1 or of section 65 if such by-law contains a provision to the effect that the by-law shall not take effect until the approval of the Board under subsection 1 has been obtained. By-law passed not to be in contravention of subs. 1 or s. 65

2. Section 94 of *The Ontario Municipal Board Act*, as re-enacted by subsection 1 of section 3 of *The Ontario Municipal Board Amendment Act, 1961-62*, is amended by striking out "sixty" in the third line and inserting in lieu thereof "twenty-eight", so that the section shall read as follows: R.S.O. 1960, c. 274, s. 94 (1961-62, c. 96, s. 3, subs. 1), amended

94. Upon the petition of any party or person interested, filed with the clerk of the Executive Council within twenty-eight days after the date of any order or decision of the Board, the Lieutenant Governor in Council may, Lieutenant Governor in Council may confirm, vary or rescind orders

(*a*) confirm, vary or rescind the whole or any part of such order or decision; or

(*b*) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section.

Commencement

3.—(1) This Act, except subsection 1 of section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 1 shall be deemed to have come into force on the 8th day of May, 1964.

Short title

4. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1965*.

An Act to amend
The Ontario Municipal Board Act

1st Reading

April 14th, 1965

2nd Reading

3rd Reading

MR. SPOONER

1965

BILL 109

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Ontario Municipal Board Act

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 109 **1965**

An Act to amend The Ontario Municipal Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 64 of *The Ontario Municipal Board Act*, as re-enacted by subsection 2 of section 1 of *The Ontario Municipal Board Amendment Act, 1962-63*, is amended by adding "or" at the end of clause *b* and by adding thereto the following clause: R.S.O. 1960, c. 274, s. 64, subs. 2 (1962-63, c. 97, s. 1, subs. 2), amended

(*c*) to contracts made by a district assessor.

(2) Subsection 3 of the said section 64 is amended by inserting after "subsection 1" in the fifth line "or of section 65", so that the subsection shall read as follows: R.S.O. 1960, c. 274, s. 64, subs. 3, amended

(3) The passing of a by-law by a council to authorize or to exercise any of its powers to proceed with, or to provide any money for, any undertaking, work, project, scheme, act, matter or thing referred to in subsection 1 shall not be deemed to be in contravention of subsection 1 or of section 65 if such by-law contains a provision to the effect that the by-law shall not take effect until the approval of the Board under subsection 1 has been obtained. By-law passed not to be in contravention of subs. 1 or s. 65

2. Section 94 of *The Ontario Municipal Board Act*, as re-enacted by subsection 1 of section 3 of *The Ontario Municipal Board Amendment Act, 1961-62*, is amended by striking out "sixty" in the third line and inserting in lieu thereof "twenty-eight", so that the section shall read as follows: R.S.O. 1960, c. 274, s. 94 (1961-62, c. 96, s. 3, subs. 1), amended

94. Upon the petition of any party or person interested, filed with the clerk of the Executive Council within twenty-eight days after the date of any order or decision of the Board, the Lieutenant Governor in Council may, Lieutenant Governor in Council may confirm, vary or rescind orders

(*a*) confirm, vary or rescind the whole or any part of such order or decision; or

(*b*) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section.

Commencement

3.—(1) This Act, except subsection 1 of section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 1 shall be deemed to have come into force on the 8th day of May, 1964.

Short title

4. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1965*.

An Act to amend
The Ontario Municipal Board Act

1st Reading

April 14th, 1965

2nd Reading

April 28th, 1965

3rd Reading

June 21st, 1965

MR. SPOONER

1965

BILL 110

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Registry Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The new clause *d* will permit the application of the Act to land, the jurisdiction over which has been transfered from the Crown in right of Canada to the Crown in right of Ontario.

Section 2. The amendments provide for the recording of annexation and amalgmamation orders, etc.

Section 3. The amendment is complementary to sections 2 and 6 of this Bill.

BILL 110 **1965**

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 4 of *The Registry Act*, as re-enacted by section 3 of *The Registry Amendment Act, 1964*, is amended by striking out "or" at the end of clause *b*, by adding "or" at the end of clause *c* and by adding thereto the following clause: R.S.O. 1960, c. 348, s. 4, subs. 2 (1964, c. 102, s. 3), amended

(*d*) annex to a registry division land that is not part of any registry division.

2.—(1) Section 20 of *The Registry Act*, as amended by section 7 of *The Registry Amendment Act, 1962-63* and section 6 of *The Registry Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 348, s. 20, amended

(5*c*) An order of the Ontario Municipal Board or other instrument registered under subsection 3 of section 75 shall be recorded in the by-law index. Order of O.M.B., etc.

(2) Subsection 6 of the said section 20, as re-enacted by subsection 2 of section 7 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 20, subs. 6 (1962-63, c. 124, s. 7, subs. 2), re-enacted

(6) No entry in respect of an order of the Ontario Municipal Board or other instrument registered under subsection 3 of section 75 or of a by-law shall be made in the general register index. No entry of by-law, etc., in general register

3. Subsection 2 of section 29 of *The Registry Act*, as amended by section 7 of *The Registry Amendment Act, 1964*, is further amended by inserting after "than" in the amendment of 1964 "an order of the Ontario Municipal Board or other instrument registered under subsection 3 of section 75 or", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 29, subs. 2, amended

Entries

(2) Every instrument, other than an order of the Ontario Municipal Board or other instrument registered under subsection 3 of section 75 or a will or power of attorney, that mentions such parcel or lot of land or other subdivision, the names of every party to the instrument and the nature of it, the registration number for each municipality in which land mentioned therein is situate, and the day, month and year of its registration, the consideration or mortgage money mentioned in it, and such a description of the land therein mentioned as will readily identify its location, shall, in addition to all entries required by law, be entered by the registrar in the abstract index in regular order under the proper heading of each separate parcel or lot of land.

R.S.O. 1960, c. 348, s. 53, subs. 4, amended

4. Subsection 4 of section 53 of *The Registry Act* is amended by adding "or" at the end of clause *g* and by adding thereto the following clauses:

(*h*) Ontario Housing Corporation; or

(*i*) Industrial Development Bank; or

(*j*) a corporation described in the assurance as incorporated under the laws of Ontario.

R.S.O. 1960, c. 348, s. 56, re-enacted

5. Section 56 of *The Registry Act* is repealed and the following substituted therefor:

Crown grants

56.—(1) Letters patent granting land made by the Crown in right of Ontario on or after the day on which this section comes into force shall be registered as provided by section 37 of *The Public Lands Act*.

R.S.O. 1960, c. 324

Idem

(2) Letters patent granting land made by the Crown in right of Ontario before the day on which this section comes into force or by the Crown in right of Canada shall be registered by registering the grant or an exemplification thereof, or by producing the grant or an exemplification thereof, and registering a true copy thereof verified by affidavit and by the registrar or his deputy.

Letters patent of incorporation, etc.

56*a*. Letters patent or supplementary letters patent incorporating or changing the name of a corporation or amalgamating two or more corporations shall be registered by registering a true copy thereof, verified by affidavit.

SECTION 4. The amendment adds to the list of corporate grantees that are not required to provide affidavits as to compliance with *The Mortmain and Charitable Uses Act*.

SECTION 5. The amendment is for the purpose of clarification. Subsection 1 of the new section 56 is complementary to the proposed amendment to section 37 of *The Public Lands Act*. Subsection 2 of the new section 56 and the new section 56*a* re-enact the present section 56 of the Act.

SECTION 6. The amendment is complementary to sections 2 and 3 of this Bill. Its purpose is to reduce the fee for registration of an order annexing land to a municipality, etc. The amended subsection will also apply to orders under *The Municipal Corporations Quieting Orders Act.*

SECTION 7. The amendment is for purposes of clarification and simplifies the drafting of orders with respect to judges' plans.

6. Subsection 3 of section 75 of *The Registry Act*, as re-enacted by section 21 of *The Registry Amendment Act, 1964*, is amended by adding at the end thereof "and shall be recorded in the by-law index under subsection 5 of section 20", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 75, subs. 3 (1964, c. 102, s. 21), amended

(3) Every order of the Ontario Municipal Board or other instrument whereby a city, town, village, township or improvement district becomes incorporated, or the boundaries of any municipality are enlarged, diminished or altered, shall be registered in the proper registry office and shall be recorded in the by-law index under subsection 5 of section 20. Orders, etc., re changes in municipal boundaries

7. Subsection 5 of section 94*a* of *The Registry Act*, as enacted by section 27 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 94*a* (1964, c. 102, s. 27), subs. 5, re-enacted

(5) The judge may order that, upon the registration of the plan, the limits of the lots as shown on the plan shall be deemed to be the true limits of the parcels they represent. Effect of registration of judge's plan

8.—(1) This Act, except sections 2, 3, 5 and 6, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 2, 3 and 6 shall be deemed to have come into force on the 1st day of January, 1965. Idem

(3) Section 5 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

9. This Act may be cited as *The Registry Amendment Act, 1965*. Short title

An Act to amend The Registry Act

1st Reading

April 14th, 1965

2nd Reading

3rd Reading

MR. WISHART

1965

BILL 110

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Registry Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 110 **1965**

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 4 of *The Registry Act*, as re-enacted by section 3 of *The Registry Amendment Act, 1964*, is amended by striking out "or" at the end of clause *b*, by adding "or" at the end of clause *c* and by adding thereto the following clause: R.S.O. 1960, c. 348, s. 4, subs. 2 (1964, c. 102, s. 3), amended

(*d*) annex to a registry division land that is not part of any registry division.

2.—(1) Section 20 of *The Registry Act*, as amended by section 7 of *The Registry Amendment Act, 1962-63* and section 6 of *The Registry Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 348, s. 20, amended

(5*c*) An order of the Ontario Municipal Board or other instrument registered under subsection 3 of section 75 shall be recorded in the by-law index. Order of O.M.B., etc.

(2) Subsection 6 of the said section 20, as re-enacted by subsection 2 of section 7 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 20, subs. 6 (1962-63, c. 124, s. 7, subs. 2), re-enacted

(6) No entry in respect of an order of the Ontario Municipal Board or other instrument registered under subsection 3 of section 75 or of a by-law shall be made in the general register index. No entry of by-law, etc., in general register

3. Subsection 2 of section 29 of *The Registry Act*, as amended by section 7 of *The Registry Amendment Act, 1964*, is further amended by inserting after "than" in the amendment of 1964 "an order of the Ontario Municipal Board or other instrument registered under subsection 3 of section 75 or", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 29, subs. 2, amended

Entries

(2) Every instrument, other than an order of the Ontario Municipal Board or other instrument registered under subsection 3 of section 75 or a will or power of attorney, that mentions such parcel or lot of land or other subdivision, the names of every party to the instrument and the nature of it, the registration number for each municipality in which land mentioned therein is situate, and the day, month and year of its registration, the consideration or mortgage money mentioned in it, and such a description of the land therein mentioned as will readily identify its location, shall, in addition to all entries required by law, be entered by the registrar in the abstract index in regular order under the proper heading of each separate parcel or lot of land.

R.S.O. 1960, c. 348, s. 53, subs. 4, amended

4. Subsection 4 of section 53 of *The Registry Act* is amended by adding "or" at the end of clause *g* and by adding thereto the following clauses:

(*h*) Ontario Housing Corporation; or

(*i*) Industrial Development Bank; or

(*j*) a corporation described in the assurance as incorporated under the laws of Ontario.

R.S.O. 1960, c. 348, s. 56, re-enacted

5. Section 56 of *The Registry Act* is repealed and the following substituted therefor:

Crown grants

56.—(1) Letters patent granting land made by the Crown in right of Ontario on or after the day on which this section comes into force shall be registered as provided by section 37 of *The Public Lands Act*.

R.S.O. 1960, c. 324

Idem

(2) Letters patent granting land made by the Crown in right of Ontario before the day on which this section comes into force or by the Crown in right of Canada shall be registered by registering the grant or an exemplification thereof, or by producing the grant or an exemplification thereof, and registering a true copy thereof verified by affidavit and by the registrar or his deputy.

Letters patent of incorporation, etc.

56*a*. Letters patent or supplementary letters patent incorporating or changing the name of a corporation or amalgamating two or more corporations shall be registered by registering a true copy thereof, verified by affidavit.

6. Subsection 3 of section 75 of *The Registry Act*, as re-enacted by section 21 of *The Registry Amendment Act, 1964*, is amended by adding at the end thereof "and shall be recorded in the by-law index under subsection 5 of section 20", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 75, subs. 3 (1964, c. 102, s. 21), amended

(3) Every order of the Ontario Municipal Board or other instrument whereby a city, town, village, township or improvement district becomes incorporated, or the boundaries of any municipality are enlarged, diminished or altered, shall be registered in the proper registry office and shall be recorded in the by-law index under subsection 5 of section 20. Orders, etc., re changes in municipal boundaries

7. Subsection 5 of section 94*a* of *The Registry Act*, as enacted by section 27 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 94*a* (1964, c. 102, s. 27), subs. 5, re-enacted

(5) The judge may order that, upon the registration of the plan, the limits of the lots as shown on the plan shall be deemed to be the true limits of the parcels they represent. Effect of registration of judge's plan

8.—(1) This Act, except sections 2, 3, 5 and 6, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 2, 3 and 6 shall be deemed to have come into force on the 1st day of January, 1965. Idem

(3) Section 5 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

9. This Act may be cited as *The Registry Amendment Act, 1965*. Short title

An Act to amend The Registry Act

1st Reading

April 14th, 1965

2nd Reading

April 28th, 1965

3rd Reading

June 21st, 1965

MR. WISHART

1965

BILL 111

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Land Titles Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The amendment is complementary to the proposed amendment to section 37 of *The Public Lands Act* (Bill 43) which provides for the registration of Crown grants.

The subject-matter of the repealed subsections 1 and 2 of section 35 of *The Land Titles Act* is transferred in revised form, by Bill 43, to *The Public Lands Act*.

BILL 111 **1965**

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R.S.O. 1960, c. 204, s. 35, subs. 1, re-enacted; subs. 2, repealed

1. Subsections 1 and 2 of section 35 of *The Land Titles Act* are repealed and the following substituted therefor:

Crown grant

(1) The proper master of titles shall register a Crown grant received by him under section 37 of *The Public Lands Act* as provided by that section and this Act. R.S.O. 1960, c. 324

Commencement

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

3. This Act may be cited as *The Land Titles Amendment Act, 1965*.

An Act to amend The Land Titles Act

1st Reading

April 14th, 1965

2nd Reading

3rd Reading

MR. WISHART

1965

BILL 111

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Land Titles Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 111 **1965**

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R.S.O. 1960, c. 204, s. 35, subs. 1, re-enacted; subs. 2, repealed

1. Subsections 1 and 2 of section 35 of *The Land Titles Act* are repealed and the following substituted therefor:

Crown grant R.S.O. 1960, c. 324

(1) The proper master of titles shall register a Crown grant received by him under section 37 of *The Public Lands Act* as provided by that section and this Act.

Commencement

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

3. This Act may be cited as *The Land Titles Amendment Act, 1965*.

An Act to amend The Land Titles Act

1st Reading

April 14th, 1965

2nd Reading

April 28th, 1965

3rd Reading

June 21st, 1965

MR. WISHART

1965

BILL 112

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Partnerships Registration Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The new section 11 is a re-enactment of the present subsection 2 of section 11 of the Act. The subject-matter of the repealed subsections, which deal with the keeping of records, is to be dealt with by the regulations. Subsection 1 of section 12 is new and is self-explanatory. Subsection 2 of section 12 is a re-enactment of the present section 12 in a revised form.

SECTION 3. The purpose of the amendment is to permit the filing of declarations in one registry office rather than in several registry offices in a county, etc.

BILL 112 **1965**

An Act to amend The Partnerships Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Partnerships Registration Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 289, s. 3, amended

(2) Where, after filing a declaration under section 1 or 8, the person or persons who caused the declaration to be filed commence to carry on business in another registry division, the sixty-day period mentioned in subsection 1 runs from the date of such commencement for the purpose of filing the declaration with the registrar of such other registry division. Idem

2. Section 11, as amended by section 1 of *The Partnerships Registration Amendment Act, 1962-63*, and section 12 of *The Partnerships Registration Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 289, ss. 11, 12, re-enacted

11. Upon the performance of any official function under this Act, the registrar is entitled to such fees as are prescribed by the regulations under this Act. Fees

12.—(1) The registrar shall keep such records of declarations filed under this Act as are required by the regulations under this Act. Records

(2) The records required for the purpose of this Act shall be furnished by the treasurer of the municipality whose duty it is to furnish registry office books or, in the case of his default, by the registrar in the same manner as registry office books. Idem

3. Section 15 of *The Partnerships Registration Act*, as enacted by section 2 of *The Partnerships Registration Amendment Act, 1962-63*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 289, s. 15 (1962-63, c. 102, s. 2), amended

Regulations

(2) Notwithstanding sections 1 and 8, where there are in a county or district, or in two or more counties united for judicial purposes, two or more registry divisions, the Lieutenant Governor in Council may by regulation,

(*a*) provide for the filing of declarations under this Act in the registry office for the registry division that includes the whole or the major part of the county town; and

(*b*) provide for the transfer of declarations and other records from a registry office to another registry office.

R.S.O. 1960, c. 289, Forms 3, 4, repealed

4. Forms 3 and 4 of *The Partnerships Registration Act* are repealed.

Commencement

5. This Act comes into force on the 1st day of September, 1965.

Short title

6. This Act may be cited as *The Partnerships Registration Amendment Act, 1965*.

SECTION 4. The repealed Forms 3 and 4 of the Act are to be replaced by forms prescribed by the regulations.

An Act to amend
The Partnerships Registration Act

1st Reading

April 14th, 1965

2nd Reading

3rd Reading

MR. WISHART

1965

BILL 112

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Partnerships Registration Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 112 **1965**

An Act to amend The Partnerships Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Partnerships Registration Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 289, s. 3, amended

(2) Where, after filing a declaration under section 1 or 8, the person or persons who caused the declaration to be filed commence to carry on business in another registry division, the sixty-day period mentioned in subsection 1 runs from the date of such commencement for the purpose of filing the declaration with the registrar of such other registry division. Idem

2. Section 11, as amended by section 1 of *The Partnerships Registration Amendment Act, 1962-63*, and section 12 of *The Partnerships Registration Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 289, ss. 11, 12, re-enacted

11. Upon the performance of any official function under this Act, the registrar is entitled to such fees as are prescribed by the regulations under this Act. Fees

12.—(1) The registrar shall keep such records of declarations filed under this Act as are required by the regulations under this Act. Records

(2) The records required for the purpose of this Act shall be furnished by the treasurer of the municipality whose duty it is to furnish registry office books or, in the case of his default, by the registrar in the same manner as registry office books. Idem

3. Section 15 of *The Partnerships Registration Act*, as enacted by section 2 of *The Partnerships Registration Amendment Act, 1962-63*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 289, s. 15 (1962-63, c. 102, s. 2), amended

Regulations

(2) Notwithstanding sections 1 and 8, where there are in a county or district, or in two or more counties united for judicial purposes, two or more registry divisions, the Lieutenant Governor in Council may by regulation,

(*a*) provide for the filing of declarations under this Act in the registry office for the registry division that includes the whole or the major part of the county town; and

(*b*) provide for the transfer of declarations and other records from a registry office to another registry office.

R.S.O. 1960, c. 289, Forms 3, 4, repealed

4. Forms 3 and 4 of *The Partnerships Registration Act* are repealed.

Commencement

5. This Act comes into force on the 1st day of September, 1965.

Short title

6. This Act may be cited as *The Partnerships Registration Amendment Act, 1965*.

An Act to amend
The Partnerships Registration Act

1st Reading

April 14th, 1965

2nd Reading

April 28th, 1965

3rd Reading

June 21st, 1965

MR. WISHART

1965

BILL 113

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Limited Partnerships Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The amendment is complementary to proposed amendments to *The Partnerships Registration Act.*

BILL 113 **1965**

An Act to amend The Limited Partnerships Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Limited Partnerships Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 215, s. 7, re-enacted

7. The provisions of *The Partnerships Registration Act* and the regulations thereunder, applying to the filing and recording of declarations under that Act, apply to certificates under this Act. Filing and recording R.S.O. 1960, c. 289

2. This Act comes into force on the 1st day of September, 1965. Commencement

3. This Act may be cited as *The Limited Partnerships Amendment Act, 1965*. Short title

An Act to amend
The Limited Partnerships Act

1st Reading

April 14th, 1965

2nd Reading

3rd Reading

MR. WISHART

1965

BILL 113

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Limited Partnerships Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 113 **1965**

An Act to amend The Limited Partnerships Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Limited Partnerships Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 215, s. 7, re-enacted

7. The provisions of *The Partnerships Registration Act* and the regulations thereunder, applying to the filing and recording of declarations under that Act, apply to certificates under this Act. Filing and recording R.S.O. 1960, c. 289

2. This Act comes into force on the 1st day of September, 1965. Commencement

3. This Act may be cited as *The Limited Partnerships Amendment Act, 1965*. Short title

An Act to amend
The Limited Partnerships Act

1st Reading

April 14th, 1965

2nd Reading

April 28th, 1965

3rd Reading

June 21st, 1965

MR. WISHART

1965

BILL 114

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to provide for the Establishment and Operation of The Centennial Centre of Science and Technology

MR. AULD

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Bill provides for the operation of The Centennial Centre of Science and Technology.

BILL 114 **1965**

An Act to provide for the Establishment and Operation of The Centennial Centre of Science and Technology

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Board" means the Board of Trustees of the Centre;

(*b*) "Centre" means The Centennial Centre of Science and Technology;

(*c*) "Minister" means the Minister of Tourism and Information or such other member of the Executive Council as the Lieutenant Governor in Council designates.

Centre established

2.—(1) There is hereby established, on behalf of Her Majesty in right of Ontario, a corporation without share capital under the name of The Centennial Centre of Science and Technology, and the corporation shall consist of not fewer than sixteen and not more than twenty-six trustees.

Seal

(2) The Centre shall have a seal, which shall be adopted by the Board by by-law.

Fiscal year

(3) The fiscal year of the Centre commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

R.S.O. 1960, c. 71, not to apply

(4) *The Corporations Act* does not apply to the Centre.

Appointment of trustees

3.—(1) The Lieutenant Governor in Council shall appoint the trustees of the Centre who shall be its Board of Trustees and shall designate one of them as chairman and one of them as vice-chairman of the Board.

Term

(2) A trustee may be appointed for a term not exceeding three years, but may be re-appointed for one or more further terms.

Remuneration

(3) The Centre may pay those of its trustees who are not officers in the public service of Ontario such remuneration and expense allowances as are from time to time fixed by the Lieutenant Governor in Council.

Quorum

(4) A majority of the trustees for the time being constitutes a quorum.

By-laws

(5) The Board may, subject to the approval of the Minister, make by-laws regulating its proceedings and generally for the conduct and management of its internal affairs, and *The Regulations Act* does not apply to any such by-law.

R.S.O. 1960, c. 349

Powers of Board

4.—(1) The affairs of the Centre are under the control of the Board, and the Board has all the powers necessary or convenient to perform its duties or achieve the objects of the Centre.

Responsible to Minister

(2) The Board is responsible to the Minister.

Chairman

(3) The chairman shall preside at all meetings of the Board, and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform the duties of the chairman.

Employees

5.—(1) A Director of the Centre may be appointed under *The Public Service Act, 1961-62* and such other officers, clerks and servants as are deemed necessary from time to time for the proper conduct of the business of the Centre.

1961-62, c. 121

Duties of Director

(2) The Director of the Centre shall have the management and administration of the Centre, subject to the supervision and direction of the Board.

Objects

6. The objects of the Centre are,

(*a*) to depict to the public and to conduct a programme of education in the origins, development and progress of science and technology, and their relationship to society;

(*b*) to depict the role of Ontario in the furtherance of science and technology;

(*c*) to stimulate the interest of the public in matters depicted by the Centre; and

(*d*) to collect and exhibit objects and displays and to maintain and operate a museum and related facilities for the furtherance of the objects of the Centre established as a project of Ontario in commemoration of the Confederation Centennial.

Funds

7.—(1) The moneys for the purposes of the Centre shall be paid out of the moneys that are appropriated therefor by the Legislature.

Idem

(2) The Board may acquire money, securities or other property, real or personal, by gift, devise, bequest or otherwise, and may expend, administer or dispose of any such money, securities or other property in the promotion of its objects, subject to the terms, if any, upon which such money, securities or other property were given, devised, bequeathed or otherwise made payable to the Board or to the Centre.

Exemption from taxation

8. The real and personal property, business and income of the Centre are exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of the Legislature.

Audit

9. The accounts and financial transactions of the Centre shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Board and to the Minister.

Report

10. The Board shall make a report annually to the Minister upon the affairs of the Centre, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Regulations

11.—(1) The Lieutenant Governor in Council may make regulations,

(*a*) establishing one or more endowment funds in furtherance of the objects of the Centre, and governing such funds;

(*b*) regulating and governing the use by the public of the facilities, property and equipment of the Centre;

(*c*) requiring the payment of fees for the admission of the public or any class thereof to the Centre, and prescribing the amounts;

(*d*) for any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Penalty

(2) A person who contravenes a regulation made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $100.

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Centennial Centre of Science and Technology Act, 1965*.

An Act to provide for the Establishment and Operation of The Centennial Centre of Science and Technology

---

1st Reading

April 14th, 1965

2nd Reading

3rd Reading

MR. AULD

1965

BILL 114

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to provide for the Establishment and Operation of The Centennial Centre of Science and Technology

MR. AULD

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 114 **1965**

An Act to provide for the Establishment and Operation of The Centennial Centre of Science and Technology

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Board" means the Board of Trustees of the Centre;

(*b*) "Centre" means The Centennial Centre of Science and Technology;

(*c*) "Minister" means the Minister of Tourism and Information or such other member of the Executive Council as the Lieutenant Governor in Council designates.

Centre established

2.—(1) There is hereby established, on behalf of Her Majesty in right of Ontario, a corporation without share capital under the name of The Centennial Centre of Science and Technology, and the corporation shall consist of not fewer than sixteen and not more than twenty-six trustees.

Seal

(2) The Centre shall have a seal, which shall be adopted by the Board by by-law.

Fiscal year

(3) The fiscal year of the Centre commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

R.S.O. 1960, c. 71, not to apply

(4) *The Corporations Act* does not apply to the Centre.

Appointment of trustees

3.—(1) The Lieutenant Governor in Council shall appoint the trustees of the Centre who shall be its Board of Trustees and shall designate one of them as chairman and one of them as vice-chairman of the Board.

Term

(2) A trustee may be appointed for a term not exceeding three years, but may be re-appointed for one or more further terms.

Remuneration

(3) The Centre may pay those of its trustees who are not officers in the public service of Ontario such remuneration and expense allowances as are from time to time fixed by the Lieutenant Governor in Council.

Quorum

(4) A majority of the trustees for the time being constitutes a quorum.

By-laws

R.S.O. 1960, c. 349

(5) The Board may, subject to the approval of the Minister, make by-laws regulating its proceedings and generally for the conduct and management of its internal affairs, and *The Regulations Act* does not apply to any such by-law.

Powers of Board

4.—(1) The affairs of the Centre are under the control of the Board, and the Board has all the powers necessary or convenient to perform its duties or achieve the objects of the Centre.

Responsible to Minister

(2) The Board is responsible to the Minister.

Chairman

(3) The chairman shall preside at all meetings of the Board, and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform the duties of the chairman.

Employees

1961-62, c. 121

5.—(1) A Director of the Centre may be appointed under *The Public Service Act, 1961-62* and such other officers, clerks and servants as are deemed necessary from time to time for the proper conduct of the business of the Centre.

Duties of Director

(2) The Director of the Centre shall have the management and administration of the Centre, subject to the supervision and direction of the Board.

Objects

6. The objects of the Centre are,

(*a*) to depict to the public and to conduct a programme of education in the origins, development and progress of science and technology, and their relationship to society;

(*b*) to depict the role of Ontario in the furtherance of science and technology;

(*c*) to stimulate the interest of the public in matters depicted by the Centre; and

(*d*) to collect and exhibit objects and displays and to maintain and operate a museum and related facilities for the furtherance of the objects of the Centre established as a project of Ontario in commemoration of the Confederation Centennial.

Funds

7.—(1) The moneys for the purposes of the Centre shall be paid out of the moneys that are appropriated therefor by the Legislature.

Idem

(2) The Board may acquire money, securities or other property, real or personal, by gift, devise, bequest or otherwise, and may expend, administer or dispose of any such money, securities or other property in the promotion of its objects, subject to the terms, if any, upon which such money, securities or other property were given, devised, bequeathed or otherwise made payable to the Board or to the Centre.

Exemption from taxation

8. The real and personal property, business and income of the Centre are exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of the Legislature.

Audit

9. The accounts and financial transactions of the Centre shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Board and to the Minister.

Report

10. The Board shall make a report annually to the Minister upon the affairs of the Centre, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Regulations

11.—(1) The Lieutenant Governor in Council may make regulations,

(*a*) establishing one or more endowment funds in furtherance of the objects of the Centre, and governing such funds;

(*b*) regulating and governing the use by the public of the facilities, property and equipment of the Centre;

(*c*) requiring the payment of fees for the admission of the public or any class thereof to the Centre, and prescribing the amounts;

(*d*) for any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Penalty

(2) A person who contravenes a regulation made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $100.

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Centennial Centre of Science and Technology Act, 1965*.



An Act to provide for the Establishment and Operation of The Centennial Centre of Science and Technology

---

1st Reading

April 14th, 1965

2nd Reading

April 28th, 1965

3rd Reading

June 21st, 1965

MR. AULD

1965

BILL 115

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Highway Traffic Act

MR. HASKETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1—Subsections 1, 2 and 3. The definitions of "park", "stand" and "stop" are new. The definition of "pedestrian crossover" is re-enacted for clarification only.

BILL 115 **1965**

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

17*a*. "park" or "parking", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(2) Paragraph 18*a* of subsection 1 of the said section 1, as enacted by subsection 1 of section 1 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 1, subs. 1, par. 18*a* (1964, c. 38, s. 1, subs. 1), re-enacted

18*a*. "pedestrian crossover" means any portion of a roadway, designated by by-law of a municipality, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by the regulations.

(3) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraphs: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

25*a*. "stand" or "standing", when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;

25*b*. "stop" or "stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal.

R.S.O. 1960, c. 172, s. 1, amended

(4) The said section 1 is amended by adding thereto the following subsection:

King's Highway overpass, underpass

(3) For the purposes of this Act and the regulations and of municipal by-laws referred to in clauses *a*, *b* and *c* of subsection 1 of section 108, every overpass or underpass forming part of the King's Highway shall be deemed to form part of the highway of which it is a connecting link.

R.S.O. 1960, c. 172, s. 9, subs. 1, re-enacted

2. Subsection 1 of section 9 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Violations as to number plates

(1) Every person who,

(*a*) defaces or alters any number plate furnished by the Department;

(*b*) uses or permits the use of a defaced or altered number plate or a number plate issued by the Department for another motor vehicle, trailer or conversion unit;

(*c*) without the authority of the owner, removes a number plate from a motor vehicle, trailer or conversion unit;

(*d*) uses or permits the use of any number plate upon a motor vehicle, trailer or conversion unit, except the one issued by the Department for the motor vehicle, trailer or conversion unit; or

(*e*) does not, within six days, forward a notice on the prescribed form of the sale or purchase by or to him of a motor vehicle, trailer or conversion unit for which a permit has been issued,

is liable to a fine of not more than $500 or to imprisonment for a term of not more than thirty days, or to both, and in addition his licence or permit may be suspended for a term of not more than six months.

R.S.O. 1960, c. 172, s. 10, subs. 3, re-enacted

3. Subsection 3 of section 10 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Numbers to be kept clean

(3) The number plates shall be kept free from dirt and obstruction and shall be so affixed that the numbers thereon may be plainly visible at all times, and the

Subsection 4. Self-explanatory.

SECTION 2. Subsection 1 is re-enacted to include a reference to conversion units and to increase the penalty to a fine of not more than $500. The present fines are $10 to $50 for a first offence, $20 to $100 for a second offence, and $50 to $200 for a subsequent offence.

SECTION 3. The provision respecting the obstruction of number plates is clarified.

SECTION 4. Self-explanatory.

SECTION 5. Self-explanatory.

view thereof shall not be obscured or obstructed by spare tires, bumper bars, or by any part of the vehicle or any attachments thereto, or by the load carried.

4. Subsection 1 of section 25 of *The Highway Traffic Act* is amended by striking out "Minister" in the first line and where it occurs the first and second times in the ninth line and inserting in lieu thereof in each instance "Registrar", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 25, subs. 1, amended

(1) The Registrar may, at any time for misconduct or contravention of the provisions of this Act, *The Public Vehicles Act* or *The Public Commercial Vehicles Act* or of any regulation thereunder by an owner, operator or chauffeur of a motor vehicle or for any reason that he may deem sufficient, suspend or cancel any permit or licence, and no further or other licence or permit shall be issued to such owner, operator or chauffeur during such suspension or, in the case of a cancellation, until the Registrar approves, and the Registrar may also for such misconduct or contravention or reason prohibit any person from driving a motor vehicle for such period as he may deem advisable, and every such person who drives a motor vehicle during the prohibited period is liable to a fine of not more than $500. Power to cancel permit or licence and to prohibit driving R.S.O. 1960, cc. 337, 319

5. *The Highway Traffic Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 172, amended

25*a*.—(1) There shall be a board known as the Licence Suspension Appeal Board, which shall consist of three or more members appointed by the Lieutenant Governor in Council, and one of them shall be designated as chairman. Licence Suspension Appeal Board

(2) The members of the Board shall be paid such remuneration as is determined by the Lieutenant Governor in Council. Remuneration

(3) The Lieutenant Governor in Council may make regulations prescribing the duties of the Board, the fees to be paid on applications and the rules of practice and procedure applicable to procedures before the Board. Regulations

25*b*.—(1) Every person who deems himself aggrieved by a decision of the Registrar under section 25 may appeal the decision to the Licence Suspension Appeal Board. Appeal

Powers of Board

(2) The Board may confirm, modify or set aside the decision of the Registrar.

Appeal to county judge

(3) Every person who deems himself aggrieved by a decision of the Board may, within thirty days after a notice of the decision is sent to his latest address as recorded with the Board, appeal the decision of the Board to a judge of the county or district court of the county or district in which the person resides.

Powers of judge

(4) The judge may confirm, modify or set aside the decision of the Board.

Application of s. 28

(5) Section 28 does not apply to the suspension or cancellation of a licence or permit under section 25.

R.S.O. 1960, c. 172, s. 33, subss. 1, 2, re-enacted

6.—(1) Subsections 1 and 2 of section 33 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Lamps required on all motor vehicles

(1) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every motor vehicle shall carry three lighted lamps in a conspicuous position, one on each side of the front of the vehicle which shall display a white or amber light only, and one on the rear of the vehicle which shall display a red light only, except in the case of a motorcycle without a side car, which shall carry one lamp on the front of the vehicle which shall display a white light only and one on the rear of the vehicle which shall display a red light only, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front or rear, as the case may be.

Lamps and reflectors required on rear of new motor vehicles

(2) No person shall sell, offer or expose for sale,

(*a*) a new motor vehicle manufactured after the 1st day of January, 1966, other than a commercial motor vehicle or a motorcycle, unless,

(i) there is affixed to each side of the rear thereof in a conspicuous position a lamp, which when lighted shall display a red light only, which shall be clearly visible at a distance of at least 500 feet from the rear of the vehicle, and

SECTION 6. The amendments will require the use of lights at times when visibility is limited due to insufficient light or unfavourable atmospheric conditions.

The authority to have headlamps displaying a green light is deleted.

Two red lights and reflectors are required on the rear of new motor vehicles, except motorcycles, instead of one as is required at present.

Subsection 4 of section 33 at present provides that lamps required on motor vehicles when on a highway need not be lighted when parked on a highway on which the speed limit is not greater than 30 miles per hour or that is lighted by a street lighting system. The amendment to subsection 4 makes the provision applicable to vehicles referred to in subsections 20, 21, 24 and 25 of section 33 as well as to motor vehicles.

(ii) there is affixed to each side of the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department or, in lieu of each reflector, red reflective material covering a surface of not less than 16 square inches; or

(*b*) a motorcycle, unless there is affixed to the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department or red reflective material covering a surface of not less than 16 square inches.

R.S.O. 1960, c. 172, s. 33, subs. 4, amended

(2) Subsection 4 of the said section 33 is amended by striking out "and 10 do not apply to a motor" in the second and third lines and inserting in lieu thereof "10, 20, 21, 24 and 25 do not apply to a", so that the subsection shall read as follows:

Lighted streets

(4) Subsection 3 does not apply to a motor vehicle parked on a highway and subsections 1, 6, 9, 10, 20, 21, 24 and 25 do not apply to a vehicle parked on a highway upon which the speed limit is not greater than 30 miles per hour and which is so lighted by the means of any system of street or highway lighting that the vehicle is clearly discernible within a distance of 200 feet.

R.S.O. 1960, c. 172, s. 33, subs. 6, re-enacted

(3) Subsection 6 of the said section 33, as amended by section 8 of *The Highway Traffic Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Clearance lamps required on wide vehicles

(6) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less,

(*a*) every commercial motor vehicle and trailer having a width at any part in excess of 80 inches, other than a truck tractor, shall carry, in addition to the lamps required by subsection 1, two lighted clearance lamps, one on each side of the front of the vehicle, which

shall display an amber light, and two lighted clearance lamps, one on each side of the rear of the vehicle, which shall display a red light; or

(*b*) every truck tractor having a width at any part in excess of 80 inches shall carry, in addition to the lamps required by subsection 1, two lighted clearance lamps, one on each side of the front of the vehicle, which shall display an amber light, and one lighted clearance lamp on the rear of the vehicle, which shall display a red light,

and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of clearance lamps on the rear of the vehicle, and all such lamps shall be affixed within 6 inches of the side of the vehicle or, where a commercial motor vehicle is equipped with a rear vision mirror or mirrors that extend in whole or in part beyond the side of the vehicle, the clearance lamps at the front of the vehicle shall be affixed to such mirror or mirrors.

R.S.O. 1960, c. 172, s. 33, subs. 9, re-enacted

(4) Subsection 9 of the said section 33 is repealed and the following substituted therefor:

Identification lamps

(9) When on a highway outside a city, town or village at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every commercial motor vehicle or combination of a commercial motor vehicle and a trailer having a length in excess of 30 feet or a width in excess of 80 inches shall carry three lighted lamps displaying green or amber lights at the front, except in the case of a public vehicle which shall display amber lights at the front, and three lighted lamps displaying red lights at the rear, and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer as the permanent structure permits and shall be visible for distances of 500 feet from the front and rear respectively of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer.

(5) Subsection 10 of the said section 33, as amended by subsection 1 of section 3 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 33, subs. 10, re-enacted

(10) When on a highway outside a city, town or village at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every motor vehicle or combination of vehicles having a length in excess of 20 feet shall carry not fewer than four lighted side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green or amber light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 500 feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that, if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 500 feet from the left side of the vehicle or combination of vehicles, it is not necessary to carry side marker lamps as required by this subsection on the left side of the vehicle. Side marker lamps

(6) Subsections 14, 16, 20 and 21 of the said section 33 are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 33, subss. 14, 16, 20, 21, re-enacted

(14) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every bicycle or tricycle shall carry on the front thereof a lighted lamp displaying a white or amber light and on the rear thereof a lighted lamp displaying a red light or a reflector approved by the Department, and in addition there shall be placed on the front forks thereof white reflective material, and on the rear thereof red reflective material covering a surface of not less than ten inches in length and one inch in width. Bicycles and tricycles, lights on, etc.

. . . . .

Rear lamps to illuminate number plate

(16) The lamp on the rear of a motor vehicle or trailer shall be of at least three candle-power and shall be so placed that it will, at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, illuminate the numbers on the number plate, or, if provision is made on the number plate or on any attachment furnished or required by the Department for affixing such lamp, it shall be affixed in the position or space provided, and such lamp shall face to the rear and reflect on the number plate a white light only.

. . . . .

Lamps to be carried on engine

(20) Every traction engine shall, at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, carry a lighted lamp in a conspicuous place in front, which shall display a white or green light only, and one on the rear of the engine or of any vehicle that may be attached to it, which shall display a red light only.

Lamps required on rear of trailer, etc.

(21) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every trailer and every object or contrivance drawn by a vehicle shall carry on the rear thereof one lighted lamp, which shall display a red light only.

R.S.O. 1960, c. 172, s. 33, subs. 22, re-enacted

(7) Subsection 22 of the said section 33, as amended by subsection 2 of section 3 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor:

Lights on vehicles, objects and contrivances over 96 inches in width

(22) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every vehicle, and every object or contrivance drawn by a vehicle, having a width at any part in excess of 96 inches,

SECTION 7. At present, it is unlawful to drive on a highway a motor vehicle that is equipped with a television receiving set. The section, as revised, is self-explanatory.

shall carry at the rear two lighted lamps displaying red lights or two red reflectors, one of which shall be affixed as nearly as possible to the extreme left side and one as nearly as possible to the extreme right side of the vehicle, and such lamps or reflectors shall be clearly visible at a distance of at least 500 feet from the rear of the vehicle.

(8) Subsection 24 of the said section 33 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 33, subs. 24, re-enacted

(24) Subject to subsection 26, every vehicle, other than a motor vehicle, bicycle, tricycle or a vehicle referred to in subsection 21, 22 or 25, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, shall carry in a conspicuous position on the left side thereof a lighted lamp which shall display a white light to the front and a red light to the rear or a lighted lamp which shall display a white light to the front and a lighted lamp which shall display a red light to the rear, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front and the rear of the vehicle, as the case may be. Lamps on all vehicles, except motor vehicles, etc.

(9) Subsection 25 of the said section 33, as amended by subsection 3 of section 3 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 33, subs. 25, re-enacted

(25) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, shall carry the lighted lamps required for motor vehicles under subsection 1. Lights on farm tractors

7. Section 44 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 44, re-enacted

44. No person shall drive on a highway a motor vehicle that is equipped with a television receiving set, Television in motor vehicle

(*a*) any part of which is located in the motor vehicle forward of the back of the driver's seat; or

(*b*) that is visible to the driver while he is operating the motor vehicle.

R.S.O. 1960, c. 172, s. 51, amended

8. Section 51 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Lamps and reflectors required on rear of new commercial motor vehicles and trailers

(2*a*) No person shall sell, offer or expose for sale a new commercial motor vehicle or trailer manufactured after the 1st day of January, 1966, other than a truck tractor, unless,

(*a*) there is affixed to each side of the rear thereof in a conspicuous position a lamp, which when lighted shall display a red light only, which shall be clearly visible for a distance of at least 500 feet from the rear of the vehicle; and

(*b*) there is affixed to each side of the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department.

R.S.O. 1960, c. 172, s. 52, subs. 2*a* (1960-61, c. 34, s. 6, subs. 6), amended

9.—(1) Subsection 2*a* of section 52 of *The Highway Traffic Act*, as enacted by subsection 6 of section 6 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "December, 1965" in the seventh line and inserting in lieu thereof "March, 1966", so that the subsection shall read as follows:

Moving of three-axle semi-trailers registered prior to July 1, 1961

(2*a*) Notwithstanding paragraph 6 of subsection 2, a semi-trailer referred to in paragraph 6 that was registered under this Act prior to the 1st day of July, 1961, subject to section 6, may be moved with a gross weight not exceeding 40,000 pounds on a Class A Highway until and including the 31st day of March, 1966.

R.S.O. 1960, c. 172, s. 52, subs. 2*b* (1962-63, c. 56, s. 10), amended

(2) Subsection 2*b* of the said section 52, as re-enacted by section 10 of *The Highway Traffic Amendment Act, 1962-63*, is amended by striking out "December, 1965" in the first line and inserting in lieu thereof "March, 1966", so that the subsection shall read as follows:

Prohibition re combination of vehicles

(2*b*) After the 31st day of March, 1966, no combination of vehicles having a gross weight of more than 84,000 pounds shall be moved upon a highway.

R.S.O. 1960, c. 172, s. 59, subs. 1, cl. *a*, subcl. i, amended

10.—(1) Subclause i of clause *a* of subsection 1 of section 59 of *The Highway Traffic Act* is amended by striking out "built-up area or urban area" in the second line and inserting in lieu thereof "or built-up area".

SECTION 8. New commercial motor vehicles and trailers, except truck tractors, are required to have two red lights and reflectors on the rear of the vehicle instead of one as at present.

SECTION 9. The period within which tri-axled semi-trailers having a gross weight of 40,000 pounds and a combination of vehicles having a gross weight of more than 84,000 pounds may be moved on a highway is extended from December 31, 1965, to March 31, 1966.

SECTION 10. In 1964, urban areas were deleted from the Act. The references to urban areas in section 59 are, therefore, deleted.

SECTION 11. The amendment is complementary to the amendments to section 33 dealing with the time when lighted lamps must be displayed on vehicles. See section 6 of this Bill.

SECTION 12. The provisions of section 89 are amended where appropriate to provide for the standing and stopping of vehicles in accordance with the definitions therefor as provided in section 1 of this Bill.

Subsections 7 and 8 of section 89 are amended to be complementary to the amendments to section 33 dealing with the time when lighted lamps must be displayed on vehicles.

Subsection 3 of section 89 at present authorizes regulations to be made re parking on the King's Highway. This provision is expanded to include standing and stopping as defined and to apply to all highways or any class of highway as provided by the regulations.

Subsection 9*a* is new and provides that the provisions of subsection 9 re parking or standing so as to interfere with traffic or snow clearing do not apply where a municipal by-law prohibits or regulates such parking or standing, as the case may be.

(2) Subclause ii of clause *a* of subsection 1 of the said section 59 is amended by striking out "built-up area or urban area" in the fifth and sixth lines and inserting in lieu thereof "or built-up area". R.S.O. 1960, c. 172, s. 59, subs. 1, cl. *a*, subcl. ii, amended

(3) Subsection 10 of the said section 59 is amended by striking out "built-up area or urban area" in the sixth and seventh lines and inserting in lieu thereof "or built-up area". R.S.O. 1960, c. 172, s. 59, subs. 10, amended

11. Section 88 of *The Highway Traffic Act* is amended by striking out "from one-half hour after sunset to one-half hour before sunrise" in the first and second lines and inserting in lieu thereof "when lighted lamps are required to be displayed on vehicles", so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 172, s. 88, amended

88. When on a highway at any time when lighted lamps are required to be displayed on vehicles, the driver of a motor vehicle equipped with multiple beam headlamps shall use the lower or passing beam when, Use of passing beam

. . . . .

12.—(1) Subsections 1 and 2 of section 89 of *The Highway Traffic Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 89, subss. 1, 2, re-enacted

(1) No person shall park, stand or stop a vehicle on a roadway, Parking on roadway

(*a*) when it is practicable to park, stand or stop the vehicle off the roadway; or

(*b*) when it is not practicable to park, stand or stop the vehicle off the roadway unless a clear view of the vehicle and of the roadway for at least 400 feet beyond the vehicle may be obtained from a distance of at least 400 feet from the vehicle in each direction upon the highway.

(2) Subsection 1 does not apply to a roadway within a city, town or village, and the provisions of subsection 1 with respect to parking, standing or stopping do not apply to a portion of a roadway in respect of which a by-law passed by the council of a township or county or by the trustees of a police village prohibiting or regulating parking, standing or stopping on the roadway, as the case may be, is in force. Where subs. 1 not to apply

(2) Subsection 3 of the said section 89 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 89, subs. 3, re-enacted

Regulations, parking, etc.

(3) The Lieutenant Governor in Council may make regulations prohibiting or regulating the parking, standing or stopping of vehicles upon a highway or any part of a highway or upon any class or classes thereof.

Effect of regulation on municipal by-law

(3*a*) The part of every municipal by-law that is inconsistent with or has the same effect as a regulation made under subsection 3 is revoked on the day the regulation comes into force.

R.S.O. 1960, c. 172, s. 89, subs. 6, amended

(3) Subsection 6 of the said section 89 is amended by striking out "leave" in the first line and inserting in lieu thereof "stand", so that the subsection shall read as follows:

Precaution against vehicle being set in motion

(6) No person shall park or stand a vehicle on a highway unless he has taken such action as may be reasonably necessary in the circumstances to prevent the vehicle from moving or being set in motion.

R.S.O. 1960, c. 172, s. 89, subs. 7, amended

(4) Subsection 7 of the said section 89 is amended by striking out "from one-half hour after sunset to one-half hour before sunrise" in the second and third lines and inserting in lieu thereof "when lighted lamps are required to be displayed on vehicles", so that the subsection, exclusive of the clauses, shall read as follows:

Warning lights on commercial motor vehciles

(7) Every commercial motor vehicle, when on a highway outside a city, town or village at any time when lighted lamps are required to be displayed on vehicles, shall be equipped with a sufficient number of,

. . . . . .

R.S.O. 1960, c. 172, s. 89, subs. 8, amended

(5) Subsection 8 of the said section 89 is amended by striking out "one-half hour before sunrise" in the eighth and ninth lines and inserting in lieu thereof "such time as lighted lamps are not required to be displayed on vehicles", so that the subsection shall read as follows:

Flares on disabled commercial motor vehicle or trailer

(8) When any commercial motor vehicle or trailer is disabled during the period when lighted lamps are required to be displayed on vehicles and the vehicle cannot immediately be removed from the roadway outside a city, town or village, the driver or other person in charge of the vehicle shall cause such flares, lamps or lanterns to be lighted, and shall cause them or portable reflectors approved by the Department to be placed and maintained on the highway until such time as lighted lamps are not required to be displayed on vehicles or the removal of

SECTION 13. Self-explanatory.

SECTION 14. Subsection 1 of section 113 provides for the suspension of drivers' licences and owners' permits for failure to pay judgments. The new subsection 1*a* provides that the licence or permit of a person who is indebted to the Motor Vehicle Accident Claims Fund shall not be suspended under this section until he has repaid to the Fund the amount paid out. Such a person's licence has already been suspended under *The Motor Vehicle Accident Claims Act, 1961-62* and, if he is repaying by instalments, his licence may have been reinstated until he has fully paid the amount paid out of the Fund. If he fails to keep up his instalment payments, his licence and permit can again be suspended.

the vehicle, one at a distance of approximately 100 feet in advance of the vehicle and one at a distance of approximately 100 feet to the rear of the vehicle.

(6) Subsection 9 of the said section 89 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 89, subs. 9, re-enacted

(9) Notwithstanding the other provisions of this section, no person shall park or stand a vehicle on a highway in such a manner as to interfere with the movement of traffic or the clearing of snow from the highway. Vehicles interfering with traffic

(9*a*) The provisions of subsection 9 with respect to parking or standing in such a manner as to interfere with the movement of traffic or with the clearing of snow from the highway do not apply to a portion of a highway in respect of which a municipal by-law prohibiting or regulating parking or standing in such a manner as to interfere with traffic or with the clearing of snow from the highway, as the case may be, is in force. Application of subs. 9, where by-law in force

(7) Subsection 11 of the said section 89 is amended by striking out "left" in the third line and inserting in lieu thereof "standing", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 89, subs. 11, amended

(11) A constable or an officer appointed for the carrying out of the provisions of this Act, upon discovery of any vehicle parked or standing in contravention of subsection 9 or of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*. Powers of constable to remove vehicle; R.S.O. 1960, c. 233

13. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960, c. 172, amended

110*a*. Where the Registrar has suspended a licence or permit under this Part, he shall send notice of such suspension by registered mail to the latest address appearing on the records of the Department of the person whose licence or permit is suspended. Notice of suspension

14. Section 113 of *The Highway Traffic Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 172, s. 113, amended

(1*a*) Notwithstanding subsection 1, the Registrar shall not suspend under subsection 1 the driver's licence and owner's permit of any person who is indebted to the Motor Vehicle Accident Claims Fund. Application where person indebted to Fund

R.S.O. 1960, c. 172, s. 144, subs. 1, re-enacted

15. Subsection 1 of section 144 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Notification of damage to trees, fences, etc.

(1) Every person who, as a result of an accident or otherwise, operates or drives a vehicle or leads, rides or drives an animal upon a highway and thereby damages any shrub, tree, pole, light, sign, sod or other property on the highway or a fence bordering the highway shall forthwith report such damage to a police officer or constable or to the Registrar.

Commencement

16.—(1) This Act, except sections 2, 3, 4, 5, 6, 11, 12 and 15, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2, 3, 4, 5, 6, 11, 12 and 15 come into force on the 1st day of September, 1965.

Short title

17. This Act may be cited as *The Highway Traffic Amendment Act, 1965*.

SECTION 15. Subsection 1 is extended to cover damages caused on any part of the highway instead of only on the unpaved portion of a highway and to include damages to fences bordering highways.

An Act to amend The Highway Traffic Act

1st Reading

April 28th, 1965

2nd Reading

3rd Reading

MR. HASKETT

1965

BILL 115

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Highway Traffic Act

MR. HASKETT

(Reprinted as amended by the Committee on Highways and Tourism)

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EXPLANATORY NOTES

SECTION 1—Subsections 1, 2 and 3. The definitions of "park", "stand" and "stop" are new. The definition of "pedestrian crossover" is re-enacted for clarification only.

BILL 115 1965

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

17*a*. "park" or "parking", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(2) Paragraph 18*a* of subsection 1 of the said section 1, as enacted by subsection 1 of section 1 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 1, subs. 1, par. 18*a* (1964, c. 38, s. 1, subs. 1), re-enacted

18*a*. "pedestrian crossover" means any portion of a roadway, designated by by-law of a municipality, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by the regulations.

(3) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraphs: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

25*a*. "stand" or "standing", when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;

25*b*. "stop" or "stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal.

R.S.O. 1960, c. 172, s. 1, amended

(4) The said section 1 is amended by adding thereto the following subsection:

King's Highway overpass, underpass

(3) For the purposes of this Act and the regulations and of municipal by-laws referred to in clauses *a*, *b* and *c* of subsection 1 of section 108, every overpass or underpass forming part of the King's Highway shall be deemed to form part of the highway of which it is a connecting link.

R.S.O. 1960, c. 172, s. 9, subs. 1, re-enacted

2. Subsection 1 of section 9 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Violations as to number plates

(1) Every person who,

(*a*) defaces or alters any number plate furnished by the Department;

(*b*) uses or permits the use of a defaced or altered number plate or a number plate issued by the Department for another motor vehicle, trailer or conversion unit;

(*c*) without the authority of the owner, removes a number plate from a motor vehicle, trailer or conversion unit;

(*d*) uses or permits the use of any number plate upon a motor vehicle, trailer or conversion unit, except the one issued by the Department for the motor vehicle, trailer or conversion unit; or

(*e*) does not, within six days, forward a notice on the prescribed form of the sale or purchase by or to him of a motor vehicle, trailer or conversion unit for which a permit has been issued,

is liable to a fine of not more than $500 or to imprisonment for a term of not more than thirty days, or to both, and in addition his licence or permit may be suspended for a term of not more than six months.

R.S.O. 1960, c. 172, s. 10, subs. 3, re-enacted

3. Subsection 3 of section 10 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Numbers to be kept clean

(3) The number plates shall be kept free from dirt and obstruction and shall be so affixed that the numbers thereon may be plainly visible at all times, and the

Subsection 4. Self-explanatory.

SECTION 2. Subsection 1 is re-enacted to include a reference to conversion units and to increase the penalty to a fine of not more than $500. The present fines are $10 to $50 for a first offence, $20 to $100 for a second offence, and $50 to $200 for a subsequent offence.

SECTION 3. The provision respecting the obstruction of number plates is clarified.

SECTION 4. Self-explanatory.

SECTION 5. Self-explanatory.

view thereof shall not be obscured or obstructed by spare tires, bumper bars, or by any part of the vehicle or any attachments thereto, or by the load carried.

4. Subsection 1 of section 25 of *The Highway Traffic Act* is amended by striking out "Minister" in the first line and where it occurs the first and second times in the ninth line and inserting in lieu thereof in each instance "Registrar", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 25, subs. 1, amended

(1) The Registrar may, at any time for misconduct or contravention of the provisions of this Act, *The Public Vehicles Act* or *The Public Commercial Vehicles Act* or of any regulation thereunder by an owner, operator or chauffeur of a motor vehicle or for any reason that he may deem sufficient, suspend or cancel any permit or licence, and no further or other licence or permit shall be issued to such owner, operator or chauffeur during such suspension or, in the case of a cancellation, until the Registrar approves, and the Registrar may also for such misconduct or contravention or reason prohibit any person from driving a motor vehicle for such period as he may deem advisable, and every such person who drives a motor vehicle during the prohibited period is liable to a fine of not more than $500. Power to cancel permit or licence and to prohibit driving R.S.O. 1960, cc. 337, 319

5. *The Highway Traffic Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 172, amended

25*a*.—(1) There shall be a board known as the Licence Suspension Appeal Board, which shall consist of three or more members appointed by the Lieutenant Governor in Council, and one of them shall be designated as chairman. Licence Suspension Appeal Board

(2) The members of the Board shall be paid such remuneration as is determined by the Lieutenant Governor in Council. Remuneration

(3) The Lieutenant Governor in Council may make regulations prescribing the duties of the Board, the fees to be paid on applications and the rules of practice and procedure applicable to procedures before the Board. Regulations

25*b*.—(1) Every person who deems himself aggrieved by a decision of the Registrar under section 25 may appeal the decision to the Licence Suspension Appeal Board. Appeal

Powers of Board

(2) The Board may confirm, modify or set aside the decision of the Registrar.

Appeal to county judge

(3) Every person who deems himself aggrieved by a decision of the Board may, within thirty days after a notice of the decision is sent to his latest address as recorded with the Board, appeal the decision of the Board to a judge of the county or district court of the county or district in which the person resides.

Powers of judge

(4) The judge may confirm, modify or set aside the decision of the Board.

Application of s. 28

(5) Section 28 does not apply to the suspension or cancellation of a licence or permit under section 25.

R.S.O. 1960, c. 172, s. 33, subss. 1, 2, re-enacted

6.—(1) Subsections 1 and 2 of section 33 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Lamps required on all motor vehicles

(1) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every motor vehicle shall carry three lighted lamps in a conspicuous position, one on each side of the front of the vehicle which shall display a white or amber light only, and one on the rear of the vehicle which shall display a red light only, except in the case of a motorcycle without a side car, which shall carry one lamp on the front of the vehicle which shall display a white light only and one on the rear of the vehicle which shall display a red light only, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front or rear, as the case may be.

Lamps and reflectors required on rear of new motor vehicles

(2) No person shall sell, offer or expose for sale,

(*a*) a new motor vehicle manufactured after the 1st day of January, 1966, other than a commercial motor vehicle or a motorcycle, unless,

(i) there is affixed to each side of the rear thereof in a conspicuous position a lamp, which when lighted shall display a red light only, which shall be clearly visible at a distance of at least 500 feet from the rear of the vehicle, and

SECTION 6. The amendments will require the use of lights at times when visibility is limited due to insufficient light or unfavourable atmospheric conditions.

The authority to have headlamps displaying a green light is deleted.

Two red lights and reflectors are required on the rear of new motor vehicles, except motorcycles, instead of one as is required at present.

Subsection 4 of section 33 at present provides that lamps required on motor vehicles when on a highway need not be lighted when parked on a highway on which the speed limit is not greater than 30 miles per hour or that is lighted by a street lighting system. The amendment to subsection 4 makes the provision applicable to vehicles referred to in subsections 20, 21, 24 and 25 of section 33 as well as to motor vehicles.

(ii) there is affixed to each side of the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department or, in lieu of each reflector, red reflective material covering a surface of not less than 16 square inches; or

(*b*) a motorcycle, unless there is affixed to the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department or red reflective material covering a surface of not less than 16 square inches.

R.S.O. 1960, c. 172, s. 33, subs. 4, amended

(2) Subsection 4 of the said section 33 is amended by striking out "and 10 do not apply to a motor" in the second and third lines and inserting in lieu thereof "10, 20, 21, 24 and 25 do not apply to a", so that the subsection shall read as follows:

Lighted streets

(4) Subsection 3 does not apply to a motor vehicle parked on a highway and subsections 1, 6, 9, 10, 20, 21, 24 and 25 do not apply to a vehicle parked on a highway upon which the speed limit is not greater than 30 miles per hour and which is so lighted by the means of any system of street or highway lighting that the vehicle is clearly discernible within a distance of 200 feet.

R.S.O. 1960, c. 172, s. 33, subs. 6, re-enacted

(3) Subsection 6 of the said section 33, as amended by section 8 of *The Highway Traffic Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Clearance lamps required on wide vehicles

(6) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less,

(*a*) every commercial motor vehicle and trailer having a width at any part in excess of 80 inches, other than a truck tractor, shall carry, in addition to the lamps required by subsection 1, two lighted clearance lamps, one on each side of the front of the vehicle, which

shall display an amber light, and two lighted clearance lamps, one on each side of the rear of the vehicle, which shall display a red light; or

(*b*) every truck tractor having a width at any part in excess of 80 inches shall carry, in addition to the lamps required by subsection 1, two lighted clearance lamps, one on each side of the front of the vehicle, which shall display an amber light, and one lighted clearance lamp on the rear of the vehicle, which shall display a red light,

and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of clearance lamps on the rear of the vehicle, and all such lamps shall be affixed within 6 inches of the side of the vehicle or, where a commercial motor vehicle is equipped with a rear vision mirror or mirrors that extend in whole or in part beyond the side of the vehicle, the clearance lamps at the front of the vehicle shall be affixed to such mirror or mirrors.

R.S.O. 1960, c. 172, s. 33, subs. 9, re-enacted

(4) Subsection 9 of the said section 33 is repealed and the following substituted therefor:

Identification lamps

(9) When on a highway outside a city, town or village at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every commercial motor vehicle or combination of a commercial motor vehicle and a trailer having a length in excess of 30 feet or a width in excess of 80 inches shall carry three lighted lamps displaying green or amber lights at the front, except in the case of a public vehicle which shall display amber lights at the front, and three lighted lamps displaying red lights at the rear, and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer as the permanent structure permits and shall be visible for distances of 500 feet from the front and rear respectively of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer.

(5) Subsection 10 of the said section 33, as amended by subsection 1 of section 3 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 33, subs. 10, re-enacted

(10) When on a highway outside a city, town or village at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every motor vehicle or combination of vehicles having a length in excess of 20 feet shall carry not fewer than four lighted side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green or amber light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 500 feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that, if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 500 feet from the left side of the vehicle or combination of vehicles, it is not necessary to carry side marker lamps as required by this subsection on the left side of the vehicle. Side marker lamps

(6) Subsections 14, 16, 20 and 21 of the said section 33 are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 33, subss. 14, 16, 20, 21, re-enacted

(14) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every bicycle or tricycle shall carry on the front thereof a lighted lamp displaying a white or amber light and on the rear thereof a lighted lamp displaying a red light or a reflector approved by the Department, and in addition there shall be placed on the front forks thereof white reflective material, and on the rear thereof red reflective material covering a surface of not less than ten inches in length and one inch in width. Bicycles and tricycles, lights on, etc.

. . . . . .

Rear lamps to illuminate number plate

(16) The lamp on the rear of a motor vehicle or trailer shall be of at least three candle-power and shall be so placed that it will, at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, illuminate the numbers on the number plate, or, if provision is made on the number plate or on any attachment furnished or required by the Department for affixing such lamp, it shall be affixed in the position or space provided, and such lamp shall face to the rear and reflect on the number plate a white light only.

. . . . . .

Lamps to be carried on engine

(20) Every traction engine shall, at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, carry a lighted lamp in a conspicuous place in front, which shall display a white or green light only, and one on the rear of the engine or of any vehicle that may be attached to it, which shall display a red light only.

Lamps required on rear of trailer, etc.

(21) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every trailer and every object or contrivance drawn by a vehicle shall carry on the rear thereof one lighted lamp, which shall display a red light only.

R.S.O. 1960, c. 172, s. 33, subs. 22, re-enacted

(7) Subsection 22 of the said section 33, as amended by subsection 2 of section 3 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor:

Lights on vehicles, objects and contrivances over 96 inches in width

(22) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every vehicle, and every object or contrivance drawn by a vehicle, having a width at any part in excess of 96 inches,

SECTION 7. At present, it is unlawful to drive on a highway a motor vehicle that is equipped with a television receiving set. The section, as revised, is self-explanatory.

shall carry at the rear two lighted lamps displaying red lights or two red reflectors, one of which shall be affixed as nearly as possible to the extreme left side and one as nearly as possible to the extreme right side of the vehicle, and such lamps or reflectors shall be clearly visible at a distance of at least 500 feet from the rear of the vehicle.

(8) Subsection 24 of the said section 33 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 33, subs. 24, re-enacted

(24) Subject to subsection 26, every vehicle, other than a motor vehicle, bicycle, tricycle or a vehicle referred to in subsection 21, 22 or 25, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, shall carry in a conspicuous position on the left side thereof a lighted lamp which shall display a white light to the front and a red light to the rear or a lighted lamp which shall display a white light to the front and a lighted lamp which shall display a red light to the rear, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front and the rear of the vehicle, as the case may be. Lamps on all vehicles, except motor vehicles, etc.

(9) Subsection 25 of the said section 33, as amended by subsection 3 of section 3 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 33, subs. 25, re-enacted

(25) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, shall carry the lighted lamps required for motor vehicles under subsection 1. Lights on farm tractors

7. Section 44 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 44, re-enacted

44.—(1) No person shall drive on a highway a motor vehicle that is equipped with a television receiving set, Television in motor vehicle

(*a*) any part of which is located in the motor vehicle forward of the back of the driver's seat; or

(*b*) that is visible to the driver while he is operating the motor vehicle.

Operation of television in motor vehicle

(2) No person shall drive on a highway a motor vehicle in which a television set, while being operated, is located in the motor vehicle forward of the back of the driver's seat or is visible to the driver while he is operating the motor vehicle.

R.S.O. 1960, c. 172, s. 51, amended

8. Section 51 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Lamps and reflectors required on rear of new commercial motor vehicles and trailers

(2*a*) No person shall sell, offer or expose for sale a new commercial motor vehicle or trailer manufactured after the 1st day of January, 1966, other than a truck tractor, unless,

(*a*) there is affixed to each side of the rear thereof in a conspicuous position a lamp, which when lighted shall display a red light only, which shall be clearly visible for a distance of at least 500 feet from the rear of the vehicle; and

(*b*) there is affixed to each side of the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department.

R.S.O. 1960, c. 172, s. 52, subs. 2*a* (1960-61, c. 34, s. 6, subs. 6), amended

9.—(1) Subsection 2*a* of section 52 of *The Highway Traffic Act*, as enacted by subsection 6 of section 6 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "December, 1965" in the seventh line and inserting in lieu thereof "March, 1966", so that the subsection shall read as follows:

Moving of three-axle semi-trailers registered prior to July 1, 1961

(2*a*) Notwithstanding paragraph 6 of subsection 2, a semi-trailer referred to in paragraph 6 that was registered under this Act prior to the 1st day of July, 1961, subject to section 6, may be moved with a gross weight not exceeding 40,000 pounds on a Class A Highway until and including the 31st day of March, 1966.

R.S.O. 1960, c. 172, s. 52, subs. 2*b* (1962-63, c. 56, s. 10), amended

(2) Subsection 2*b* of the said section 52, as re-enacted by section 10 of *The Highway Traffic Amendment Act, 1962-63*, is amended by striking out "December, 1965" in the first line and inserting in lieu thereof "March, 1966", so that the subsection shall read as follows:

Prohibition re combination of vehicles

(2*b*) After the 31st day of March, 1966, no combination of vehicles having a gross weight of more than 84,000 pounds shall be moved upon a highway.

SECTION 8. New commercial motor vehicles and trailers, except truck tractors, are required to have two red lights and reflectors on the rear of the vehicle instead of one as at present.

SECTION 9. The period within which tri-axled semi-trailers having a gross weight of 40,000 pounds and a combination of vehicles having a gross weight of more than 84,000 pounds may be moved on a highway is extended from December 31, 1965, to March 31, 1966.

SECTION 10. In 1964, urban areas were deleted from the Act. The references to urban areas in section 59 are, therefore, deleted.

SECTION 11. The amendment is complementary to the amendments to section 33 dealing with the time when lighted lamps must be displayed on vehicles. See section 6 of this Bill.

SECTION 12. The provisions of section 89 are amended where appropriate to provide for the standing and stopping of vehicles in accordance with the definitions therefor as provided in section 1 of this Bill.

Subsections 7 and 8 of section 89 are amended to be complementary to the amendments to section 33 dealing with the time when lighted lamps must be displayed on vehicles.

Subsection 3 of section 89 at present authorizes regulations to be made re parking on the King's Highway. This provision is expanded to include standing and stopping as defined and to apply to all highways or any class of highway as provided by the regulations.

Subsection 9*a* is new and provides that the provisions of subsection 9 re parking or standing so as to interfere with traffic or snow clearing do not apply where a municipal by-law prohibits or regulates such parking or standing, as the case may be.

10.—(1) Subclause i of clause *a* of subsection 1 of section 59 of *The Highway Traffic Act* is amended by striking out "built-up area or urban area" in the second line and inserting in lieu thereof "or built-up area". R.S.O. 1960, c. 172, s. 59, subs. 1, cl. *a*, subcl. i, amended

(2) Subclause ii of clause *a* of subsection 1 of the said section 59 is amended by striking out "built-up area or urban area" in the fifth and sixth lines and inserting in lieu thereof "or built-up area". R.S.O. 1960, c. 172, s. 59, subs. 1, cl. *a*, subcl. ii, amended

(3) Subsection 10 of the said section 59 is amended by striking out "built-up area or urban area" in the sixth and seventh lines and inserting in lieu thereof "or built-up area". R.S.O. 1960, c. 172, s. 59, subs. 10, amended

11. Section 88 of *The Highway Traffic Act* is amended by striking out "from one-half hour after sunset to one-half hour before sunrise" in the first and second lines and inserting in lieu thereof "when lighted lamps are required to be displayed on vehicles", so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 172, s. 88, amended

88. When on a highway at any time when lighted lamps are required to be displayed on vehicles, the driver of a motor vehicle equipped with multiple beam headlamps shall use the lower or passing beam when, Use of passing beam

. . . . .

12.—(1) Subsections 1 and 2 of section 89 of *The Highway Traffic Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 89, subss. 1, 2, re-enacted

(1) No person shall park, stand or stop a vehicle on a roadway, Parking on roadway

(*a*) when it is practicable to park, stand or stop the vehicle off the roadway; or

(*b*) when it is not practicable to park, stand or stop the vehicle off the roadway unless a clear view of the vehicle and of the roadway for at least 400 feet beyond the vehicle may be obtained from a distance of at least 400 feet from the vehicle in each direction upon the highway.

(2) Subsection 1 does not apply to a roadway within a city, town or village, and the provisions of subsection 1 with respect to parking, standing or stopping do not apply to a portion of a roadway in respect of which a by-law passed by the council of a township or county or by the trustees of a police village prohibiting or regulating parking, standing or stopping on the roadway, as the case may be, is in force. Where subs. 1 not to apply

R.S.O. 1960, c. 172, s. 89, subs. 3, re-enacted

(2) Subsection 3 of the said section 89 is repealed and the following substituted therefor:

Regulations, parking, etc.

(3) The Lieutenant Governor in Council may make regulations prohibiting or regulating the parking, standing or stopping of vehicles upon a highway or any part of a highway or upon any class or classes thereof.

Effect of regulation on municipal by-law

(*3a*) The part of every municipal by-law that is inconsistent with or has the same effect as a regulation made under subsection 3 is revoked on the day the regulation comes into force.

R.S.O. 1960, c. 172, s. 89, subs. 6, amended

(3) Subsection 6 of the said section 89 is amended by striking out "leave" in the first line and inserting in lieu thereof "stand", so that the subsection shall read as follows:

Precaution against vehicle being set in motion

(6) No person shall park or stand a vehicle on a highway unless he has taken such action as may be reasonably necessary in the circumstances to prevent the vehicle from moving or being set in motion.

R.S.O. 1960, c. 172, s. 89, subs. 7, amended

(4) Subsection 7 of the said section 89 is amended by striking out "from one-half hour after sunset to one-half hour before sunrise" in the second and third lines and inserting in lieu thereof "when lighted lamps are required to be displayed on vehicles", so that the subsection, exclusive of the clauses, shall read as follows:

Warning lights on commercial motor vehciles

(7) Every commercial motor vehicle, when on a highway outside a city, town or village at any time when lighted lamps are required to be displayed on vehicles, shall be equipped with a sufficient number of,

. . . . . .

R.S.O. 1960, c. 172, s. 89, subs. 8, amended

(5) Subsection 8 of the said section 89 is amended by striking out "one-half hour before sunrise" in the eighth and ninth lines and inserting in lieu thereof "such time as lighted lamps are not required to be displayed on vehicles", so that the subsection shall read as follows:

Flares on disabled commercial motor vehicle or trailer

(8) When any commercial motor vehicle or trailer is disabled during the period when lighted lamps are required to be displayed on vehicles and the vehicle cannot immediately be removed from the roadway outside a city, town or village, the driver or other person in charge of the vehicle shall cause such flares, lamps or lanterns to be lighted, and shall cause them or portable reflectors approved by the Department to be placed and maintained on the highway until such time as lighted lamps are not required to be displayed on vehicles or the removal of

SECTION 13. Self-explanatory.

SECTION 14. Subsection 1 of section 113 provides for the suspension of drivers' licences and owners' permits for failure to pay judgments. The new subsection 1*a* provides that the licence or permit of a person who is indebted to the Motor Vehicle Accident Claims Fund shall not be suspended under this section until he has repaid to the Fund the amount paid out. Such a person's licence has already been suspended under *The Motor Vehicle Accident Claims Act, 1961-62* and, if he is repaying by instalments, his licence may have been reinstated until he has fully paid the amount paid out of the Fund. If he fails to keep up his instalment payments, his licence and permit can again be suspended.

the vehicle, one at a distance of approximately 100 feet in advance of the vehicle and one at a distance of approximately 100 feet to the rear of the vehicle.

(6) Subsection 9 of the said section 89 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 89, subs. 9, re-enacted

(9) Notwithstanding the other provisions of this section, no person shall park or stand a vehicle on a highway in such a manner as to interfere with the movement of traffic or the clearing of snow from the highway. Vehicles interfering with traffic

(9*a*) The provisions of subsection 9 with respect to parking or standing in such a manner as to interfere with the movement of traffic or with the clearing of snow from the highway do not apply to a portion of a highway in respect of which a municipal by-law prohibiting or regulating parking or standing in such a manner as to interfere with traffic or with the clearing of snow from the highway, as the case may be, is in force. Application of subs. 9 where by-law in force

(7) Subsection 11 of the said section 89 is amended by striking out "left" in the third line and inserting in lieu thereof "standing", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 89, subs. 11, amended

(11) A constable or an officer appointed for the carrying out of the provisions of this Act, upon discovery of any vehicle parked or standing in contravention of subsection 9 or of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*. Powers of constable to remove vehicle; R.S.O. 1960, c. 233

13. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960, c. 172, amended

110*a*. Where the Registrar has suspended a licence or permit under this Part, he shall send notice of such suspension by registered mail to the latest address appearing on the records of the Department of the person whose licence or permit is suspended. Notice of suspension

14. Section 113 of *The Highway Traffic Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 172, s. 113, amended

(1*a*) Notwithstanding subsection 1, the Registrar shall not suspend under subsection 1 the driver's licence and owner's permit of any person who is indebted to the Motor Vehicle Accident Claims Fund. Application where person indebted to Fund

R.S.O. 1960, c. 172, s. 144, subs. 1, re-enacted

15. Subsection 1 of section 144 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Notification of damage to trees, fences, etc.

(1) Every person who, as a result of an accident or otherwise, operates or drives a vehicle or leads, rides or drives an animal upon a highway and thereby damages any shrub, tree, pole, light, sign, sod or other property on the highway or a fence bordering the highway shall forthwith report such damage to a police officer or constable or to the Registrar.

Commencement

16.—(1) This Act, except sections 2, 3, 4, 5, 6, 11, 12 and 15, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2, 3, 4, 5, 6, 11, 12 and 15 come into force on the 1st day of September, 1965.

Short title

17. This Act may be cited as *The Highway Traffic Amendment Act, 1965*.

SECTION 15. Subsection 1 is extended to cover damages caused on any part of the highway instead of only on the unpaved portion of a highway and to include damages to fences bordering highways.

An Act to amend The Highway Traffic Act

1st Reading

April 28th, 1965

2nd Reading

May 3rd, 1965

3rd Reading

MR. HASKETT

(Reprinted as amended by the Committee on Highways and Tourism)

1965

BILL 115

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Highway Traffic Act

MR. HASKETT

TORONTO
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BILL 115 **1965**

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

17*a*. "park" or "parking", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(2) Paragraph 18*a* of subsection 1 of the said section 1, as enacted by subsection 1 of section 1 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 1, subs. 1, par. 18*a* (1964, c. 38, s. 1, subs. 1), re-enacted

18*a*. "pedestrian crossover" means any portion of a roadway, designated by by-law of a municipality, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by the regulations.

(3) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraphs: R.S.O. 1960, c. 172, s. 1, subs. 1, amended

25*a*. "stand" or "standing", when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;

25*b*. "stop" or "stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal.

R.S.O. 1960, c. 172, s. 1, amended

(4) The said section 1 is amended by adding thereto the following subsection:

King's Highway overpass, underpass

(3) For the purposes of this Act and the regulations and of municipal by-laws referred to in clauses *a*, *b* and *c* of subsection 1 of section 108, every overpass or underpass forming part of the King's Highway shall be deemed to form part of the highway of which it is a connecting link.

R.S.O. 1960, c. 172, s. 9, subs. 1, re-enacted

2. Subsection 1 of section 9 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Violations as to number plates

(1) Every person who,

(*a*) defaces or alters any number plate furnished by the Department;

(*b*) uses or permits the use of a defaced or altered number plate or a number plate issued by the Department for another motor vehicle, trailer or conversion unit;

(*c*) without the authority of the owner, removes a number plate from a motor vehicle, trailer or conversion unit;

(*d*) uses or permits the use of any number plate upon a motor vehicle, trailer or conversion unit, except the one issued by the Department for the motor vehicle, trailer or conversion unit; or

(*e*) does not, within six days, forward a notice on the prescribed form of the sale or purchase by or to him of a motor vehicle, trailer or conversion unit for which a permit has been issued,

is liable to a fine of not more than $500 or to imprisonment for a term of not more than thirty days, or to both, and in addition his licence or permit may be suspended for a term of not more than six months.

R.S.O. 1960, c. 172, s. 10, subs. 3, re-enacted

3. Subsection 3 of section 10 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Numbers to be kept clean

(3) The number plates shall be kept free from dirt and obstruction and shall be so affixed that the numbers thereon may be plainly visible at all times, and the

view thereof shall not be obscured or obstructed by spare tires, bumper bars, or by any part of the vehicle or any attachments thereto, or by the load carried.

4. Subsection 1 of section 25 of *The Highway Traffic Act* is amended by striking out "Minister" in the first line and where it occurs the first and second times in the ninth line and inserting in lieu thereof in each instance "Registrar", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 25, subs. 1, amended

(1) The Registrar may, at any time for misconduct or contravention of the provisions of this Act, *The Public Vehicles Act* or *The Public Commercial Vehicles Act* or of any regulation thereunder by an owner, operator or chauffeur of a motor vehicle or for any reason that he may deem sufficient, suspend or cancel any permit or licence, and no further or other licence or permit shall be issued to such owner, operator or chauffeur during such suspension or, in the case of a cancellation, until the Registrar approves, and the Registrar may also for such misconduct or contravention or reason prohibit any person from driving a motor vehicle for such period as he may deem advisable, and every such person who drives a motor vehicle during the prohibited period is liable to a fine of not more than $500. Power to cancel permit or licence and to prohibit driving R.S.O. 1960, cc. 337, 319

5. *The Highway Traffic Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 172, amended

25*a*.—(1) There shall be a board known as the Licence Suspension Appeal Board, which shall consist of three or more members appointed by the Lieutenant Governor in Council, and one of them shall be designated as chairman. Licence Suspension Appeal Board

(2) The members of the Board shall be paid such remuneration as is determined by the Lieutenant Governor in Council. Remuneration

(3) The Lieutenant Governor in Council may make regulations prescribing the duties of the Board, the fees to be paid on applications and the rules of practice and procedure applicable to procedures before the Board. Regulations

25*b*.—(1) Every person who deems himself aggrieved by a decision of the Registrar under section 25 may appeal the decision to the Licence Suspension Appeal Board. Appeal

Powers of Board

(2) The Board may confirm, modify or set aside the decision of the Registrar.

Appeal to county judge

(3) Every person who deems himself aggrieved by a decision of the Board may, within thirty days after a notice of the decision is sent to his latest address as recorded with the Board, appeal the decision of the Board to a judge of the county or district court of the county or district in which the person resides.

Powers of judge

(4) The judge may confirm, modify or set aside the decision of the Board.

Application of s. 28

(5) Section 28 does not apply to the suspension or cancellation of a licence or permit under section 25.

R.S.O. 1960, c. 172, s. 33, subss. 1, 2, re-enacted

6.—(1) Subsections 1 and 2 of section 33 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Lamps required on all motor vehicles

(1) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every motor vehicle shall carry three lighted lamps in a conspicuous position, one on each side of the front of the vehicle which shall display a white or amber light only, and one on the rear of the vehicle which shall display a red light only, except in the case of a motorcycle without a side car, which shall carry one lamp on the front of the vehicle which shall display a white light only and one on the rear of the vehicle which shall display a red light only, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front or rear, as the case may be.

Lamps and reflectors required on rear of new motor vehicles

(2) No person shall sell, offer or expose for sale,

(*a*) a new motor vehicle manufactured after the 1st day of January, 1966, other than a commercial motor vehicle or a motorcycle, unless,

(i) there is affixed to each side of the rear thereof in a conspicuous position a lamp, which when lighted shall display a red light only, which shall be clearly visible at a distance of at least 500 feet from the rear of the vehicle, and

(ii) there is affixed to each side of the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department or, in lieu of each reflector, red reflective material covering a surface of not less than 16 square inches; or

(*b*) a motorcycle, unless there is affixed to the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department or red reflective material covering a surface of not less than 16 square inches.

R.S.O. 1960, c. 172, s. 33, subs. 4, amended

(2) Subsection 4 of the said section 33 is amended by striking out "and 10 do not apply to a motor" in the second and third lines and inserting in lieu thereof "10, 20, 21, 24 and 25 do not apply to a", so that the subsection shall read as follows:

Lighted streets

(4) Subsection 3 does not apply to a motor vehicle parked on a highway and subsections 1, 6, 9, 10, 20, 21, 24 and 25 do not apply to a vehicle parked on a highway upon which the speed limit is not greater than 30 miles per hour and which is so lighted by the means of any system of street or highway lighting that the vehicle is clearly discernible within a distance of 200 feet.

R.S.O. 1960, c. 172, s. 33, subs. 6, re-enacted

(3) Subsection 6 of the said section 33, as amended by section 8 of *The Highway Traffic Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Clearance lamps required on wide vehicles

(6) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less,

(*a*) every commercial motor vehicle and trailer having a width at any part in excess of 80 inches, other than a truck tractor, shall carry, in addition to the lamps required by subsection 1, two lighted clearance lamps, one on each side of the front of the vehicle, which

shall display an amber light, and two lighted clearance lamps, one on each side of the rear of the vehicle, which shall display a red light; or

(*b*) every truck tractor having a width at any part in excess of 80 inches shall carry, in addition to the lamps required by subsection 1, two lighted clearance lamps, one on each side of the front of the vehicle, which shall display an amber light, and one lighted clearance lamp on the rear of the vehicle, which shall display a red light,

and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of clearance lamps on the rear of the vehicle, and all such lamps shall be affixed within 6 inches of the side of the vehicle or, where a commercial motor vehicle is equipped with a rear vision mirror or mirrors that extend in whole or in part beyond the side of the vehicle, the clearance lamps at the front of the vehicle shall be affixed to such mirror or mirrors.

R.S.O. 1960, c. 172, s. 33, subs. 9, re-enacted

(4) Subsection 9 of the said section 33 is repealed and the following substituted therefor:

Identification lamps

(9) When on a highway outside a city, town or village at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every commercial motor vehicle or combination of a commercial motor vehicle and a trailer having a length in excess of 30 feet or a width in excess of 80 inches shall carry three lighted lamps displaying green or amber lights at the front, except in the case of a public vehicle which shall display amber lights at the front, and three lighted lamps displaying red lights at the rear, and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer as the permanent structure permits and shall be visible for distances of 500 feet from the front and rear respectively of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer.

(5) Subsection 10 of the said section 33, as amended by subsection 1 of section 3 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 33, subs. 10, re-enacted

(10) When on a highway outside a city, town or village at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every motor vehicle or combination of vehicles having a length in excess of 20 feet shall carry not fewer than four lighted side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green or amber light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 500 feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that, if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 500 feet from the left side of the vehicle or combination of vehicles, it is not necessary to carry side marker lamps as required by this subsection on the left side of the vehicle. Side marker lamps

(6) Subsections 14, 16, 20 and 21 of the said section 33 are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 33, subss. 14, 16, 20, 21, re-enacted

(14) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every bicycle or tricycle shall carry on the front thereof a lighted lamp displaying a white or amber light and on the rear thereof a lighted lamp displaying a red light or a reflector approved by the Department, and in addition there shall be placed on the front forks thereof white reflective material, and on the rear thereof red reflective material covering a surface of not less than ten inches in length and one inch in width. Bicycles and tricycles, lights on, etc.

. . . . . .

Rear lamps to illuminate number plate

(16) The lamp on the rear of a motor vehicle or trailer shall be of at least three candle-power and shall be so placed that it will, at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, illuminate the numbers on the number plate, or, if provision is made on the number plate or on any attachment furnished or required by the Department for affixing such lamp, it shall be affixed in the position or space provided, and such lamp shall face to the rear and reflect on the number plate a white light only.

. . . . . .

Lamps to be carried on engine

(20) Every traction engine shall, at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, carry a lighted lamp in a conspicuous place in front, which shall display a white or green light only, and one on the rear of the engine or of any vehicle that may be attached to it, which shall display a red light only.

Lamps required on rear of trailer, etc.

(21) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every trailer and every object or contrivance drawn by a vehicle shall carry on the rear thereof one lighted lamp, which shall display a red light only.

R.S.O. 1960, c. 172, s. 33, subs. 22, re-enacted

(7) Subsection 22 of the said section 33, as amended by subsection 2 of section 3 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor:

Lights on vehicles, objects and contrivances over 96 inches in width

(22) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every vehicle, and every object or contrivance drawn by a vehicle, having a width at any part in excess of 96 inches,

shall carry at the rear two lighted lamps displaying red lights or two red reflectors, one of which shall be affixed as nearly as possible to the extreme left side and one as nearly as possible to the extreme right side of the vehicle, and such lamps or reflectors shall be clearly visible at a distance of at least 500 feet from the rear of the vehicle.

R.S.O. 1960, c. 172, s. 33, subs. 24, re-enacted

(8) Subsection 24 of the said section 33 is repealed and the following substituted therefor:

Lamps on all vehicles, except motor vehicles, etc.

(24) Subject to subsection 26, every vehicle, other than a motor vehicle, bicycle, tricycle or a vehicle referred to in subsection 21, 22 or 25, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, shall carry in a conspicuous position on the left side thereof a lighted lamp which shall display a white light to the front and a red light to the rear or a lighted lamp which shall display a white light to the front and a lighted lamp which shall display a red light to the rear, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front and the rear of the vehicle, as the case may be.

R.S.O. 1960, c. 172, s. 33, subs. 25, re-enacted

(9) Subsection 25 of the said section 33, as amended by subsection 3 of section 3 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor:

Lights on farm tractors

(25) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, shall carry the lighted lamps required for motor vehicles under subsection 1.

R.S.O. 1960, c. 172, s. 44, re-enacted

7. Section 44 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Television in motor vehicle

44.—(1) No person shall drive on a highway a motor vehicle that is equipped with a television receiving set,

(*a*) any part of which is located in the motor vehicle forward of the back of the driver's seat; or

(*b*) that is visible to the driver while he is operating the motor vehicle.

Operation of television in motor vehicle

(2) No person shall drive on a highway a motor vehicle in which a television set, while being operated, is located in the motor vehicle forward of the back of the driver's seat or is visible to the driver while he is operating the motor vehicle.

R.S.O. 1960, c. 172, s. 51, amended

8. Section 51 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Lamps and reflectors required on rear of new commercial motor vehicles and trailers

(2*a*) No person shall sell, offer or expose for sale a new commercial motor vehicle or trailer manufactured after the 1st day of January, 1966, other than a truck tractor, unless,

(*a*) there is affixed to each side of the rear thereof in a conspicuous position a lamp, which when lighted shall display a red light only, which shall be clearly visible for a distance of at least 500 feet from the rear of the vehicle; and

(*b*) there is affixed to each side of the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department.

R.S.O. 1960, c. 172, s. 52, subs. 2*a* (1960-61, c. 34, s. 6, subs. 6), amended

9.—(1) Subsection 2*a* of section 52 of *The Highway Traffic Act*, as enacted by subsection 6 of section 6 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "December, 1965" in the seventh line and inserting in lieu thereof "March, 1966", so that the subsection shall read as follows:

Moving of three-axle semi-trailers registered prior to July 1, 1961

(2*a*) Notwithstanding paragraph 6 of subsection 2, a semi-trailer referred to in paragraph 6 that was registered under this Act prior to the 1st day of July, 1961, subject to section 6, may be moved with a gross weight not exceeding 40,000 pounds on a Class A Highway until and including the 31st day of March, 1966.

R.S.O. 1960, c. 172, s. 52, subs. 2*b* (1962-63, c. 56, s. 10), amended

(2) Subsection 2*b* of the said section 52, as re-enacted by section 10 of *The Highway Traffic Amendment Act, 1962-63*, is amended by striking out "December, 1965" in the first line and inserting in lieu thereof "March, 1966", so that the subsection shall read as follows:

Prohibition re combination of vehicles

(2*b*) After the 31st day of March, 1966, no combination of vehicles having a gross weight of more than 84,000 pounds shall be moved upon a highway.

10.—(1) Subclause i of clause *a* of subsection 1 of section 59 of *The Highway Traffic Act* is amended by striking out "built-up area or urban area" in the second line and inserting in lieu thereof "or built-up area". R.S.O. 1960, c. 172, s. 59, subs. 1, cl. *a*, subcl. i, amended

(2) Subclause ii of clause *a* of subsection 1 of the said section 59 is amended by striking out "built-up area or urban area" in the fifth and sixth lines and inserting in lieu thereof "or built-up area". R.S.O. 1960, c. 172, s. 59, subs. 1, cl. *a*, subcl. ii, amended

(3) Subsection 10 of the said section 59 is amended by striking out "built-up area or urban area" in the sixth and seventh lines and inserting in lieu thereof "or built-up area". R.S.O. 1960, c. 172, s. 59, subs. 10, amended

11. Section 88 of *The Highway Traffic Act* is amended by striking out "from one-half hour after sunset to one-half hour before sunrise" in the first and second lines and inserting in lieu thereof "when lighted lamps are required to be displayed on vehicles", so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 172, s. 88, amended

88. When on a highway at any time when lighted lamps are required to be displayed on vehicles, the driver of a motor vehicle equipped with multiple beam headlamps shall use the lower or passing beam when, Use of passing beam

. . . . .

12.—(1) Subsections 1 and 2 of section 89 of *The Highway Traffic Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 89, subss. 1, 2, re-enacted

(1) No person shall park, stand or stop a vehicle on a roadway, Parking on roadway

(*a*) when it is practicable to park, stand or stop the vehicle off the roadway; or

(*b*) when it is not practicable to park, stand or stop the vehicle off the roadway unless a clear view of the vehicle and of the roadway for at least 400 feet beyond the vehicle may be obtained from a distance of at least 400 feet from the vehicle in each direction upon the highway.

(2) Subsection 1 does not apply to a roadway within a city, town or village, and the provisions of subsection 1 with respect to parking, standing or stopping do not apply to a portion of a roadway in respect of which a by-law passed by the council of a township or county or by the trustees of a police village prohibiting or regulating parking, standing or stopping on the roadway, as the case may be, is in force. Where subs. 1 not to apply

R.S.O. 1960, c. 172, s. 89, subs. 3, re-enacted

(2) Subsection 3 of the said section 89 is repealed and the following substituted therefor:

Regulations, parking, etc.

(3) The Lieutenant Governor in Council may make regulations prohibiting or regulating the parking, standing or stopping of vehicles upon a highway or any part of a highway or upon any class or classes thereof.

Effect of regulation on municipal by-law

(3*a*) The part of every municipal by-law that is inconsistent with or has the same effect as a regulation made under subsection 3 is revoked on the day the regulation comes into force.

R.S.O. 1960, c. 172, s. 89, subs. 6, amended

(3) Subsection 6 of the said section 89 is amended by striking out "leave" in the first line and inserting in lieu thereof "stand", so that the subsection shall read as follows:

Precaution against vehicle being set in motion

(6) No person shall park or stand a vehicle on a highway unless he has taken such action as may be reasonably necessary in the circumstances to prevent the vehicle from moving or being set in motion.

R.S.O. 1960, c. 172, s. 89, subs. 7, amended

(4) Subsection 7 of the said section 89 is amended by striking out "from one-half hour after sunset to one-half hour before sunrise" in the second and third lines and inserting in lieu thereof "when lighted lamps are required to be displayed on vehicles", so that the subsection, exclusive of the clauses, shall read as follows:

Warning lights on commercial motor vehicles

(7) Every commercial motor vehicle, when on a highway outside a city, town or village at any time when lighted lamps are required to be displayed on vehicles, shall be equipped with a sufficient number of,

. . . . .

R.S.O. 1960, c. 172, s. 89, subs. 8, amended

(5) Subsection 8 of the said section 89 is amended by striking out "one-half hour before sunrise" in the eighth and ninth lines and inserting in lieu thereof "such time as lighted lamps are not required to be displayed on vehicles", so that the subsection shall read as follows:

Flares on disabled commercial motor vehicle or trailer

(8) When any commercial motor vehicle or trailer is disabled during the period when lighted lamps are required to be displayed on vehicles and the vehicle cannot immediately be removed from the roadway outside a city, town or village, the driver or other person in charge of the vehicle shall cause such flares, lamps or lanterns to be lighted, and shall cause them or portable reflectors approved by the Department to be placed and maintained on the highway until such time as lighted lamps are not required to be displayed on vehicles or the removal of

the vehicle, one at a distance of approximately 100 feet in advance of the vehicle and one at a distance of approximately 100 feet to the rear of the vehicle.

(6) Subsection 9 of the said section 89 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 89, subs. 9, re-enacted

(9) Notwithstanding the other provisions of this section, no person shall park or stand a vehicle on a highway in such a manner as to interfere with the movement of traffic or the clearing of snow from the highway. Vehicles interfering with traffic

(9*a*) The provisions of subsection 9 with respect to parking or standing in such a manner as to interfere with the movement of traffic or with the clearing of snow from the highway do not apply to a portion of a highway in respect of which a municipal by-law prohibiting or regulating parking or standing in such a manner as to interfere with traffic or with the clearing of snow from the highway, as the case may be, is in force. Application of subs. 9, where by-law in force

(7) Subsection 11 of the said section 89 is amended by striking out "left" in the third line and inserting in lieu thereof "standing", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 89, subs. 11, amended

(11) A constable or an officer appointed for the carrying out of the provisions of this Act, upon discovery of any vehicle parked or standing in contravention of subsection 9 or of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*. Powers of constable to remove vehicle; R.S.O. 1960, c. 233

13. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960, c. 172, amended

110*a*. Where the Registrar has suspended a licence or permit under this Part, he shall send notice of such suspension by registered mail to the latest address appearing on the records of the Department of the person whose licence or permit is suspended. Notice of suspension

14. Section 113 of *The Highway Traffic Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 172, s. 113, amended

(1*a*) Notwithstanding subsection 1, the Registrar shall not suspend under subsection 1 the driver's licence and owner's permit of any person who is indebted to the Motor Vehicle Accident Claims Fund. Application where person indebted to Fund

R.S.O. 1960, c. 172, s. 144, subs. 1, re-enacted

15. Subsection 1 of section 144 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Notification of damage to trees, fences, etc.

(1) Every person who, as a result of an accident or otherwise, operates or drives a vehicle or leads, rides or drives an animal upon a highway and thereby damages any shrub, tree, pole, light, sign, sod or other property on the highway or a fence bordering the highway shall forthwith report such damage to a police officer or constable or to the Registrar.

Commencement

16.—(1) This Act, except sections 2, 3, 4, 5, 6, 11, 12 and 15, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2, 3, 4, 5, 6, 11, 12 and 15 come into force on the 1st day of September, 1965.

Short title

17. This Act may be cited as *The Highway Traffic Amendment Act, 1965*.

An Act to amend The Highway Traffic Act

1st Reading

April 28th, 1965

2nd Reading

May 3rd, 1965

3rd Reading

June 21st, 1965

MR. HASKETT

1965

BILL 116

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Power Commission Act

MR. SIMONETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Sections 1, 2, 4 and 5. These provisions are designed to assist The Hydro-Electric Power Commission of Ontario in the proper management of its funds by broadening the powers of investment and with respect to short-term financing.

BILL 116 **1965**

An Act to amend The Power Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 18 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 300, s. 18, cl. *c*, re-enacted

(*c*) to purchase for sinking fund purposes, and from time to time vary, securities which the Commission is authorized to purchase under section 20.

2. Section 20 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 300, s. 20, re-enacted

20.—(1) The Commission, whenever it deems it advisable for the sound and efficient management of its general fund, may from time to time, in its discretion and on such terms and conditions as it may deem advisable, purchase, acquire, hold and sell or otherwise dispose of any of the following securities: Management of funds

1. The bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or Ontario or any other province of Canada.

2. The bonds, debentures or other evidences of indebtedness of the United States of America.

3. The bonds, debentures or other evidences of indebtedness of corporations referred to in clauses *c*, *d*, *e*, *f*, *h* and *j* of subsection 2 of section 208 of *The Corporations Act* and in which joint stock insurance companies may invest their funds. R.S.O. 1960, c. 71

4. The deposit receipts, deposit notes, certificates of deposit and other similar instruments issued by any chartered bank to which the *Bank Act* (Canada) applies. 1953-54, c. 48 (Can.)

5. The guaranteed investment certificates of any trust company that is registered under *The Loan and Trust Corporations Act*.

R.S.O. 1960, c. 222

Deposit of funds

(2) The Commission may deposit from time to time any part of its general fund in any chartered bank of Canada or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act* on such terms and conditions and for such periods as the Commission may deem expedient.

R.S.O. 1960, c. 300, s. 21, subs. 6, cl. *d*, amended

3.—(1) Clause *d* of subsection 6 of section 21 of *The Power Commission Act* is amended by inserting after "previous" in the second line "or subsequent", so that the clause shall read as follows:

(*d*) prescribing the period of employment with the Commission alone, or with a previous or subsequent employer and the Commission, that constitutes service for the purpose of determining pension benefits.

R.S.O. 1960, c. 300, s. 21, subs. 7, re-enacted

(2) Subsection 7 of the said section 21 is repealed and the following substituted therefor:

Cost to Commission chargeable to administration

(7) The fund shall be maintained and administered by the Commission, and the cost to the Commission of maintaining and administering it shall be deemed to be part of the cost of the administration of the Commission and is chargeable accordingly, and the Commission may invest in, purchase, acquire, hold and sell investments and loans authorized by *The Pension Benefits Act, 1962-63* and any regulations made thereunder.

1962-63, c. 103

R.S.O. 1960, c. 300, s. 55, re-enacted

4. Section 55 of *The Power Commission Act*, as amended by section 5 of *The Power Commission Amendment Act, 1961-62*, is repealed and the following substituted therefor:

General borrowing powers

55.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may borrow from time to time such sums of money as it may deem requisite for any of its purposes and, for the purpose of such borrowing, may issue notes, bonds, debentures and other securities bearing interest at such rate or rates, and payable as to principal, interest, and premium if any, at such time or times and in such manner and in such place or places in Canada or elsewhere, and in the currency of such country or countries, as the Commission may

SECTION 3—Subsection 1. The clause is re-enacted in order to improve the portability features of the Commission's pension and insurance plan.

Subsection 2. The provision is brought into line with *The Pension Benefits Act, 1962-63.*

determine, and such notes, bonds, debentures and other securities may be made redeemable in advance of maturity, at such time or times, and at such price or prices, and in such manner, and either with or without premium, as the Commission may determine at the time of the issue thereof.

Idem

(2) Where, pursuant to subsection 1, the Commission, with the approval of the Lieutenant Governor in Council, has passed a resolution authorizing the borrowing of money by the issue from time to time of notes, bonds, debentures or other securities maturing not later than three years from the respective dates thereof and bearing interest at a rate or rates not exceeding the maximum rate of interest specified in the resolution, the Commission without any further approval of the Lieutenant Governor in Council may subsequently and from time to time authorize the issue of such notes, bonds, debentures or other securities, within the maximum principal amount prescribed by such resolution, bearing such respective dates, maturing not later than three years from such respective dates, and bearing interest at such respective rates not exceeding the said maximum interest rate, as the Commission in its discretion may from time to time determine.

Purposes of Commission

(3) The purposes of the Commission, without limiting the generality thereof, include,

(*a*) repayment on account of the advances by the Province to the Commission;

(*b*) payment in whole or in part of any notes, bonds, debentures or other securities of the Commission issued and delivered to the Treasurer of Ontario in respect of any advances from the Province to the Commission;

(*c*) payment, refunding or renewal from time to time of the whole or any part of any loan raised or securities issued by the Commission under this or any other Act;

(*d*) payment of the whole or any part of any loan or of any liability or of any notes, bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Commission;

(*e*) payment of the whole or any part of any other liability or indebtedness of the Commission;

(*f*) carrying out any of the powers and purposes of the Commission referred to in sections 24 to 29, 38 and 86, or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act, 1951* or in *The St. Lawrence Development Act, 1952 (No. 2)* providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes.

1951, c. 55
1952 (2nd Sess.), c. 3

Resolution conclusive

(4) Where a resolution of the Commission authorizing the issue of securities contains a recital or declaration that the amount of the securities so authorized is necessary to realize the net sum required for the purposes of the Commission, the recital or declaration is conclusive evidence of the facts stated therein.

Commission may sell or pledge

(5) The Commission may sell or otherwise dispose of any such notes, bonds, debentures and other securities at such price or prices, and on such terms and conditions, as it deems advisable, and either at the par value thereof or at less or more than the par value thereof, and may charge, pledge, hypothecate, deposit or otherwise deal with any such securities as collateral security.

Reissue of securities

(6) Any such securities dealt with as collateral security when redelivered to the Commission or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which such securities may have been given as collateral, or when the Commission again becomes entitled to such securities, may be treated by the Commission as unissued and may be issued, reissued, charged, pledged, hypothecated, deposited, dealt with as collateral security, sold or otherwise disposed of from time to time upon such terms and conditions as the Commission deems advisable, or at its option may be cancelled and fresh securities to the like amount and in like form may be issued in lieu thereof with the like consequences, and upon

such issue or reissue any person entitled thereto has the same rights and remedies as if the same had not been previously issued.

Commission may pledge securities

(7) The Commission on such terms and conditions as it deems advisable may charge, pledge, hypothecate, deposit or otherwise deal with as collateral security any notes, bonds, debentures or other securities purchased by it under section 20.

Form and execution of securities

(8) The notes, bonds, debentures and other securities of the Commission shall be in such form or forms and in such denomination or denominations and shall be executed in such manner and by such persons as the Commission may determine.

Reproduction of seal and signatures

(9) The Commission may provide that the seal of the Commission may be engraved, lithographed, printed or otherwise mechanically reproduced on any security to which it is to be affixed and that any signatures upon any such security and upon the coupons, if any, attached thereto may be engraved, lithographed or printed or otherwise mechanically reproduced thereon.

Effect of mechanical reproduction of seal and signatures

(10) The seal of the Commission when so mechanically reproduced has the same force and effect as if manually affixed, and such mechanically reproduced signatures are for all purposes valid and binding upon the Commission notwithstanding that a person whose signature is so reproduced has ceased to hold office before the date of the security or before its issue.

R.S.O. 1960, c. 300, s. 56, re-enacted

5. Section 56 of *The Power Commission Act* is repealed and the following substituted therefor:

Guaranteeing bonds of Commission

56.—(1) The Lieutenant Governor in Council is authorized, on such terms as are approved by order in council, to guarantee the payment of the principal and interest of any notes, bonds, debentures or other securities issued by the Commission, and the form and manner of any such guarantee or guarantees shall be such as the Lieutenant Governor in Council approves, and the guarantee or guarantees shall be signed by the Treasurer of Ontario or the Deputy Provincial Treasurer or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province becomes liable for the payment of the principal and interest of the notes, bonds, debentures or other

securities guaranteed according to the tenor thereof, and the Lieutenant Governor in Council is authorized to make arrangements for supplying the money necessary to fulfil the requirements of the guarantee or guarantees and to advance the amount necessary for that purpose out of the public funds of the Province, and, in the hands of any holder of any such notes, bonds, debentures or other securities, any guarantee so signed is conclusive evidence that the terms of this section have been complied with.

Signatures may be mechanically reproduced

(2) The signature of the Treasurer of Ontario or of the Deputy Provincial Treasurer or of such other officer or officers provided for in subsection 1 may be engraved, lithographed, printed or otherwise mechanically reproduced, and the mechanically-reproduced signature of any such person shall be deemed for all purposes to be the signature of such person and is binding upon the Province notwithstanding that the person whose signature is so reproduced may not have held office at the date of the notes, bonds, debentures or other securities or at the date of the delivery thereof and notwithstanding any change in any of the persons holding any such office between the time when any such signature is affixed and the date of delivery of the notes, bonds, debentures or other securities.

R.S.O. 1960, c. 300, amended

6. *The Power Commission Act* is amended by adding thereto, under the heading "BUSINESS OPERATIONS", the following section:

Business of Commission

58*a*. The purposes and business of the Commission include the generation, transmission, distribution, supply, sale and use of power and, except with respect to the exercise of powers requiring the prior authority of the Lieutenant Governor in Council under this Act, the Commission has power and authority to do all such things as in its opinion are necessary, usual or incidental to the furtherance of such purposes and to the carrying on of its business.

R.S.O. 1960, c. 300, s. 97, subs. 11, cl. *b*, amended

7. Clause *b* of subsection 11 of section 97 of *The Power Commission Act* is amended by striking out "shall be liable to a fine of not less than $10 and not more than $50" in the fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not less than $25 and not more than $500", so that the clause shall read as follows:

(*b*) refusing or neglecting to comply with this section, or with any regulation, plan or specification made

SECTION 6. Self-explanatory.

SECTION 7. The penalties are increased.

under its authority is guilty of an offence and on summary conviction is liable to a fine of not less than $25 and not more than $500 for each offence.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Power Commission Amendment Act, 1965*.

An Act to amend
The Power Commission Act

1st Reading

April 28th, 1965

2nd Reading

3rd Reading

MR. SIMONETT

1965

BILL 116

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Power Commission Act

MR. SIMONETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 116 **1965**

An Act to amend The Power Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 18 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 300, s. 18, cl. *c*, re-enacted

(*c*) to purchase for sinking fund purposes, and from time to time vary, securities which the Commission is authorized to purchase under section 20.

2. Section 20 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 300, s. 20, re-enacted

20.—(1) The Commission, whenever it deems it advisable for the sound and efficient management of its general fund, may from time to time, in its discretion and on such terms and conditions as it may deem advisable, purchase, acquire, hold and sell or otherwise dispose of any of the following securities: Management of funds

1. The bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or Ontario or any other province of Canada.

2. The bonds, debentures or other evidences of indebtedness of the United States of America.

3. The bonds, debentures or other evidences of indebtedness of corporations referred to in clauses *c*, *d*, *e*, *f*, *h* and *j* of subsection 2 of section 208 of *The Corporations Act* and in which joint stock insurance companies may invest their funds. R.S.O. 1960, c. 71

4. The deposit receipts, deposit notes, certificates of deposit and other similar instruments issued by any chartered bank to which the *Bank Act* (Canada) applies. 1953-54, c. 48 (Can.)

5. The guaranteed investment certificates of any trust company that is registered under *The Loan and Trust Corporations Act.*

R.S.O. 1960, c. 222

Deposit of funds

(2) The Commission may deposit from time to time any part of its general fund in any chartered bank of Canada or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act* on such terms and conditions and for such periods as the Commission may deem expedient.

R.S.O. 1960, c. 300, s. 21, subs. 6, cl. *d*, amended

3.—(1) Clause *d* of subsection 6 of section 21 of *The Power Commission Act* is amended by inserting after "previous" in the second line "or subsequent", so that the clause shall read as follows:

(*d*) prescribing the period of employment with the Commission alone, or with a previous or subsequent employer and the Commission, that constitutes service for the purpose of determining pension benefits.

R.S.O. 1960, c. 300, s. 21, subs. 7, re-enacted

(2) Subsection 7 of the said section 21 is repealed and the following substituted therefor:

Cost to Commission chargeable to administration

(7) The fund shall be maintained and administered by the Commission, and the cost to the Commission of maintaining and administering it shall be deemed to be part of the cost of the administration of the Commission and is chargeable accordingly, and the Commission may invest in, purchase, acquire, hold and sell investments and loans authorized by *The Pension Benefits Act, 1962-63* and any regulations made thereunder.

1962-63, c. 103

R.S.O. 1960, c. 300, s. 55, re-enacted

4. Section 55 of *The Power Commission Act*, as amended by section 5 of *The Power Commission Amendment Act, 1961-62*, is repealed and the following substituted therefor:

General borrowing powers

55.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may borrow from time to time such sums of money as it may deem requisite for any of its purposes and, for the purpose of such borrowing, may issue notes, bonds, debentures and other securities bearing interest at such rate or rates, and payable as to principal, interest, and premium if any, at such time or times and in such manner and in such place or places in Canada or elsewhere, and in the currency of such country or countries, as the Commission may

determine, and such notes, bonds, debentures and other securities may be made redeemable in advance of maturity, at such time or times, and at such price or prices, and in such manner, and either with or without premium, as the Commission may determine at the time of the issue thereof.

Idem

(2) Where, pursuant to subsection 1, the Commission, with the approval of the Lieutenant Governor in Council, has passed a resolution authorizing the borrowing of money by the issue from time to time of notes, bonds, debentures or other securities maturing not later than three years from the respective dates thereof and bearing interest at a rate or rates not exceeding the maximum rate of interest specified in the resolution, the Commission without any further approval of the Lieutenant Governor in Council may subsequently and from time to time authorize the issue of such notes, bonds, debentures or other securities, within the maximum principal amount prescribed by such resolution, bearing such respective dates, maturing not later than three years from such respective dates, and bearing interest at such respective rates not exceeding the said maximum interest rate, as the Commission in its discretion may from time to time determine.

Purposes of Commission

(3) The purposes of the Commission, without limiting the generality thereof, include,

(*a*) repayment on account of the advances by the Province to the Commission;

(*b*) payment in whole or in part of any notes, bonds, debentures or other securities of the Commission issued and delivered to the Treasurer of Ontario in respect of any advances from the Province to the Commission;

(*c*) payment, refunding or renewal from time to time of the whole or any part of any loan raised or securities issued by the Commission under this or any other Act;

(*d*) payment of the whole or any part of any loan or of any liability or of any notes, bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Commission;

(*e*) payment of the whole or any part of any other liability or indebtedness of the Commission;

(*f*) carrying out any of the powers and purposes of the Commission referred to in sections 24 to 29, 38 and 86, or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act, 1951* or in *The St. Lawrence Development Act, 1952 (No. 2)* providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes.

1951, c. 55
1952 (2nd Sess.), c. 3

Resolution conclusive

(4) Where a resolution of the Commission authorizing the issue of securities contains a recital or declaration that the amount of the securities so authorized is necessary to realize the net sum required for the purposes of the Commission, the recital or declaration is conclusive evidence of the facts stated therein.

Commission may sell or pledge

(5) The Commission may sell or otherwise dispose of any such notes, bonds, debentures and other securities at such price or prices, and on such terms and conditions, as it deems advisable, and either at the par value thereof or at less or more than the par value thereof, and may charge, pledge, hypothecate, deposit or otherwise deal with any such securities as collateral security.

Reissue of securities

(6) Any such securities dealt with as collateral security when redelivered to the Commission or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which such securities may have been given as collateral, or when the Commission again becomes entitled to such securities, may be treated by the Commission as unissued and may be issued, reissued, charged, pledged, hypothecated, deposited, dealt with as collateral security, sold or otherwise disposed of from time to time upon such terms and conditions as the Commission deems advisable, or at its option may be cancelled and fresh securities to the like amount and in like form may be issued in lieu thereof with the like consequences, and upon

such issue or reissue any person entitled thereto has the same rights and remedies as if the same had not been previously issued.

Commission may pledge securities

(7) The Commission on such terms and conditions as it deems advisable may charge, pledge, hypothecate, deposit or otherwise deal with as collateral security any notes, bonds, debentures or other securities purchased by it under section 20.

Form and execution of securities

(8) The notes, bonds, debentures and other securities of the Commission shall be in such form or forms and in such denomination or denominations and shall be executed in such manner and by such persons as the Commission may determine.

Reproduction of seal and signatures

(9) The Commission may provide that the seal of the Commission may be engraved, lithographed, printed or otherwise mechanically reproduced on any security to which it is to be affixed and that any signatures upon any such security and upon the coupons, if any, attached thereto may be engraved, lithographed or printed or otherwise mechanically reproduced thereon.

Effect of mechanical reproduction of seal and signatures

(10) The seal of the Commission when so mechanically reproduced has the same force and effect as if manually affixed, and such mechanically reproduced signatures are for all purposes valid and binding upon the Commission notwithstanding that a person whose signature is so reproduced has ceased to hold office before the date of the security or before its issue.

R.S.O. 1960, c. 300, s. 56, re-enacted

5. Section 56 of *The Power Commission Act* is repealed and the following substituted therefor:

Guaranteeing bonds of Commission

56.—(1) The Lieutenant Governor in Council is authorized, on such terms as are approved by order in council, to guarantee the payment of the principal and interest of any notes, bonds, debentures or other securities issued by the Commission, and the form and manner of any such guarantee or guarantees shall be such as the Lieutenant Governor in Council approves, and the guarantee or guarantees shall be signed by the Treasurer of Ontario or the Deputy Provincial Treasurer or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province becomes liable for the payment of the principal and interest of the notes, bonds, debentures or other

securities guaranteed according to the tenor thereof, and the Lieutenant Governor in Council is authorized to make arrangements for supplying the money necessary to fulfil the requirements of the guarantee or guarantees and to advance the amount necessary for that purpose out of the public funds of the Province, and, in the hands of any holder of any such notes, bonds, debentures or other securities, any guarantee so signed is conclusive evidence that the terms of this section have been complied with.

Signatures may be mechanically reproduced

(2) The signature of the Treasurer of Ontario or of the Deputy Provincial Treasurer or of such other officer or officers provided for in subsection 1 may be engraved, lithographed, printed or otherwise mechanically reproduced, and the mechanically-reproduced signature of any such person shall be deemed for all purposes to be the signature of such person and is binding upon the Province notwithstanding that the person whose signature is so reproduced may not have held office at the date of the notes, bonds, debentures or other securities or at the date of the delivery thereof and notwithstanding any change in any of the persons holding any such office between the time when any such signature is affixed and the date of delivery of the notes, bonds, debentures or other securities.

R.S.O. 1960, c. 300, amended

6. *The Power Commission Act* is amended by adding thereto, under the heading "BUSINESS OPERATIONS", the following section:

Business of Commission

58*a*. The purposes and business of the Commission include the generation, transmission, distribution, supply, sale and use of power and, except with respect to the exercise of powers requiring the prior authority of the Lieutenant Governor in Council under this Act, the Commission has power and authority to do all such things as in its opinion are necessary, usual or incidental to the furtherance of such purposes and to the carrying on of its business.

R.S.O. 1960, c. 300, s. 97, subs. 11, cl. *b*, amended

7. Clause *b* of subsection 11 of section 97 of *The Power Commission Act* is amended by striking out "shall be liable to a fine of not less than $10 and not more than $50" in the fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not less than $25 and not more than $500", so that the clause shall read as follows:

(*b*) refusing or neglecting to comply with this section, or with any regulation, plan or specification made

under its authority is guilty of an offence and on summary conviction is liable to a fine of not less than $25 and not more than $500 for each offence.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Power Commission Amendment Act, 1965*.

An Act to amend
The Power Commission Act

1st Reading

April 28th, 1965

2nd Reading

May 11th, 1965

3rd Reading

June 21st, 1965

MR. SIMONETT

1965

BILL 117

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Fire Marshals Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The provision repealed provides for the control of municipal fire departments in an emergency which is provided for by amendments to *The Emergency Measures Act, 1962-63.*

BILL 117 **1965**

An Act to amend The Fire Marshals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3*a* of *The Fire Marshals Act*, as enacted by section 2 of *The Fire Marshals Amendment Act, 1961-62* and amended by section 2 of *The Fire Marshals Amendment Act, 1962-63*, is repealed. R.S.O. 1960, c. 148, s. 3*a* (1961-62, c. 44, s. 2), subs. 3, repealed

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Fire Marshals Amendment Act, 1965*. Short title

An Act to amend The Fire Marshals Act

1st Reading

April 28th, 1965

2nd Reading

3rd Reading

MR. WISHART

1965

BILL 117

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Fire Marshals Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 117 **1965**

An Act to amend The Fire Marshals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3*a* of *The Fire Marshals Act*, as enacted by section 2 of *The Fire Marshals Amendment Act, 1961-62* and amended by section 2 of *The Fire Marshals Amendment Act, 1962-63*, is repealed. R.S.O. 1960, c. 148, s. 3*a* (1961-62, c. 44, s. 2), subs. 3, repealed

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Fire Marshals Amendment Act, 1965*. Short title

An Act to amend The Fire Marshals Act

1st Reading

April 28th, 1965

2nd Reading

May 11th, 1965

3rd Reading

June 21st, 1965

MR. WISHART

1965

BILL 118

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Justices of the Peace Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

Section 1. Self-explanatory.

BILL 118 **1965**

An Act to amend The Justices of the Peace Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Justices of the Peace Act* is amended by adding thereto the following section: R.S.O. 1960, c. 200, amended

12. *The Labour Relations Act* does not apply to full-time justices of the peace. R.S.O. 1960, c. 202, does not apply

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Justices of the Peace Amendment Act, 1965*. Short title

An Act to amend
The Justices of the Peace Act

1st Reading

April 28th, 1965

2nd Reading

3rd Reading

MR. WISHART

1965

BILL 118

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Justices of the Peace Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 118 **1965**

An Act to amend The Justices of the Peace Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Justices of the Peace Act* is amended by adding thereto the following section: R.S.O. 1960, c. 200, amended

12. *The Labour Relations Act* does not apply to full-time justices of the peace. R.S.O. 1960, c. 202, does not apply

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Justices of the Peace Amendment Act, 1965*. Short title

An Act to amend
The Justices of the Peace Act

1st Reading

April 28th, 1965

2nd Reading

May 11th, 1965

3rd Reading

June 21st, 1965

MR. WISHART

1965

BILL 119

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The Child Welfare Act, 1965

MR. CECILE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Bill revises *The Child Welfare Act*, which was last revised in 1954.

The principal changes include the following:

1. Neglected children made permanent wards become wards of the Crown to be cared for by children's aid societies.

2. The rate basis for municipal payment for the care of wards is eliminated together with the necessity to determine residence.

3. The financing of children's aid societies is put on a budget basis negotiated with municipalities by the society and subject to arbitration by a board of review.

4. The Province assumes all the cost of the care of children of unmarried mothers.

5. Preventive services are added to the functions of children's aid societies.

6. The standard of services of children's aid societies is set by regulation.

7. Representation of cities and separated towns on the boards of directors of societies is provided for.

8. Instances of mistreatment of children are required to be reported.

9. Provision is made for the creation of homes for children with special needs by more than one society jointly, and for a provincial subsidy for their construction.

BILL 119 **1965**

The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

(*a*) "approved budget" means the budget of a children's aid society finally approved under sections 9 to 11;

(*b*) "children's aid society" or "society" means a children's aid society approved by the Lieutenant Governor in Council under this Act;

(*c*) "Director" means the Director of Child Welfare appointed under this Act;

(*d*) "local director" means the local director of a children's aid society appointed under this Act;

(*e*) "Minister" means the Minister of Public Welfare;

(*f*) "municipality" means a county, metropolitan municipality, city or separated town, but in a territorial district "municipality" means a city, town, village or township;

(*g*) "prescribed" means prescribed by the regulations;

(*h*) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 53, s. 1, *amended*.

PART I

OFFICERS, SOCIETIES

2.—(1) The Lieutenant Governor in Council may appoint a person as the Director of Child Welfare. R.S.O. 1960, c. 53, s. 2 (1). Appointment of Director

Duties of Director

(2) The Director shall,

(*a*) advise and supervise children's aid societies;

(*b*) inspect or direct and supervise the inspection of the operation and records of children's aid societies;

(*c*) exercise the powers and duties of a children's aid society in any area in which no society is functioning;

(*d*) inspect or direct and supervise the inspection of any place in which a child in the care of a society is placed;

(*e*) prepare and submit an annual report to the Minister;

(*f*) keep books of account of all moneys received by him, showing the receipts and expenditures;

(*g*) perform such other duties as are prescribed by this Act or the regulations or by the Lieutenant Governor in Council. R.S.O. 1960, c. 53, s. 2 (2), *amended*.

Acting Director

(3) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such civil servant as the Minister designates. R.S.O. 1960, c. 53, s. 2 (3).

Investigation

3.—(1) The Minister may by order appoint a judge of the county court to make an investigation into any matter,

(*a*) relating to the care of a ward of a children's aid society or of the Crown; or

(*b*) for the due administration of this Act,

and the person appointed shall report the result of his investigation to the Minister.

Powers of investigation

R.S.O. 1960, c. 323

(2) For the purposes of an investigation under subsection 1, the judge has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. *New*.

Appointment of local directors

4.—(1) Every children's aid society shall appoint a local director who shall be responsible to the board of directors of the society for the administration and enforcement of this Act and the regulations in the area in which the society has jurisdiction, who shall co-operate with the Director to this end and who shall carry out such other duties as are required of him by the constitution, by-laws and directions of the society.

(2) Every local director and every person designated by the board of directors of a society has for the purposes of this Act the powers of a constable and a school attendance officer, and he shall be deemed to be an officer within the meaning of section 10 of *The Public Authorities Protection Act*, and that section and the other provisions of that Act apply to him in the same manner and to the same extent as they do to the officers mentioned in that section. R.S.O. 1960, c. 53, s. 3. Powers of local directors, etc. R.S.O. 1960, c. 318

5. The Director or a local director or any person acting under the authority of either of them may call to his aid in the performance of his duties a member of the police force responsible for policing the area in which the aid is required. R.S.O. 1960, c. 53, s. 4. Police assistance

6.—(1) Every children's aid society shall be incorporated under *The Corporations Act* or a predecessor thereof and shall be approved by the Lieutenant Governor in Council. R.S.O. 1960, c. 53, s. 6 (1), *part, amended*. Establishment of societies R.S.O. 1960, c. 71

(2) Every children's aid society shall be operated for the purposes of, Purposes

(*a*) investigating allegations or evidence of neglect of children;

(*b*) protecting neglected children;

(*c*) providing care for children assigned to its care under this or any other Act;

(*d*) supervising children assigned to its supervision under this or any other Act;

(*e*) placing children for adoption;

(*f*) assisting unmarried parents and their children; and

(*g*) any other duties given to it by this or any other Act,

and subject to the regulations may be operated for the purpose of providing guidance, counselling and other services to families for the prevention of neglect of children. R.S.O. 1960, c. 53, s. 6 (1), *part, amended*.

(3) Every society shall provide the standard of services prescribed by the regulations. *New*. Standard of services

(4) The by-laws of every society shall contain such provisions as the regulations prescribe, and a certified copy of By-laws

the by-laws and any amendments thereto shall be filed with the Director forthwith after they are made, and no such by-laws or amendments shall come into operation until they have been approved by the Minister. R.S.O. 1960, c. 53, s. 6 (2).

Board of directors

7.—(1) A children's aid society shall be governed by a board of directors composed of such municipal representatives as are determined under subsections 2, 3 and 4 and the president, one or more vice-presidents, the secretary, the treasurer and such other officers and members as are determined, elected in such manner and for such period as the by-laws of the society provide. R.S.O. 1960, c. 53, s. 7 (1), *amended*.

Municipal representatives

(2) Where a children's aid society has jurisdiction in but not outside a city or separated town, the municipal representatives shall be not fewer than four appointed from among themselves by the council of the city or separated town.

Idem

(3) Where a children's aid society has jurisdiction in an area that includes a county or part of a county outside a city or separated town,

(*a*) one municipal representative shall be appointed from among themselves by the council of each county, city and separated town in the jurisdiction; and

(*b*) the council of the county, city or separated town having the largest population as determined by the last revised assessment rolls shall appoint from among themselves such other municipal representatives as are required so that the total number of municipal representatives on the board of directors is not fewer than four.

Idem

(4) Where a children's aid society has jurisdiction in an area that includes a district or part of a district outside a city, the municipal representatives shall be appointed in the manner determined under subsection 3, except that the district welfare administration board or the district child welfare budget board referred to in section 10, as the case may be, shall appoint the representatives required by subsection 3 to be appointed by the council of a county. *New*.

Executive committee

(5) The directors shall pass a by-law directing them to elect from among their number an executive committee of nine members, consisting of the president, the treasurer, four municipal representatives and three other directors, and to delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the board. R.S.O. 1960, c. 53, s. 7 (2), *amended*.

(6) A majority of the members of an executive committee constitutes a quorum. R.S.O. 1960, c. 53, s. 7 (3). Quorum

8.—(1) In consultation with the Director, every children's aid society shall, before the 30th day of November in each year, prepare a budget in the prescribed form of its operating costs as defined by the regulations for the year next following. General budget

(2) Where a children's aid society has jurisdiction in more than one municipality, the society shall, in addition to the budget required by subsection 1, prepare a separate budget in the prescribed form of the operating costs referable to each municipality. Budget for municipality

(3) Subsection 2 does not apply where a district welfare administration board has been established. Exception

(4) The operating costs in a budget referable to preventive services shall not exceed the amount determined in the manner prescribed by the regulations. *New.* Maximum preventive costs

9.—(1) Subject to section 10, the budget of a children's aid society for a municipality is subject to the approval of the council of the municipality. Approval by municipality

(2) Every budget prepared under section 8 shall be submitted to the Minister after it is approved under subsection 1 and before the 25th day of February, and the budget is subject to the approval of the Minister. *New.* Approval by Minister

10.—(1) In this section, Interpretation

(*a*) "district" means a district as defined in *The District Welfare Administration Boards Act, 1962-63*; 1962-63, c. 37

(*b*) "municipality" means a municipality as defined in *The District Welfare Administration Boards Act, 1962-63.*

(2) The councils of every municipality in a district in which a district welfare administration board has not been established shall, on or before the 31st day of January in each year, jointly appoint five persons to be a board known as the District Child Welfare Budget Board. District Child Welfare Budget Board

(3) The budget of a children's aid society in a district shall be approved by the District Child Welfare Budget Board in lieu of the approval by the municipal councils otherwise required by section 9. *New.* Approval of budget

Child Welfare Review Board established

11.—(1) There shall be a board, to be known as the Child Welfare Review Board, composed of five members, of whom,

(*a*) one shall be appointed by the Minister of Public Welfare, and shall be chairman of the Board;

(*b*) one shall be appointed by the Minister of Municipal Affairs;

(*c*) one shall be appointed by the Treasurer of Ontario;

(*d*) one shall be appointed by the Association of Children's Aid Societies; and

(*e*) one shall be a member of the faculty of a school of social work in Ontario accredited by the Council on Social Work Education, nominated by the Minister of Public Welfare.

Functions

(2) Where the Minister, a children's aid society and the council of a municipality or a district child welfare budget board, as the case may be, do not agree on the budget or on the financing, scope of operations or functions of a children's aid society, any one of them may refer the matter to the Child Welfare Review Board who shall determine the question after a hearing, and the decision of the Review Board is final. *New.*

Payments by Ontario

12.—(1) Subject to subsection 3, there shall be paid out of the moneys appropriated therefor by the Legislature to each children's aid society an amount equal to,

(*a*) 40 per cent of the part of the approved budget referable to operating costs, other than the operating costs referred to in clause *b*; and

(*b*) 100 per cent of the part of the approved budget referable to operating costs for the care and maintenance of the children of unmarried mothers.

Payments by municipality

(2) Every municipality shall pay to the children's aid society having jurisdiction in the municipality an amount equal to 60 per cent of the approved budget for the municipality.

Societies in unorganized territory

(3) There shall be paid out of moneys appropriated therefor by the Legislature to each children's aid society having jurisdiction in territory without municipal organization an amount equal to 100 per cent of the part of the approved budget referable to operating costs in the territory without municipal organization.

(4) Any amount payable to a children's aid society under this section in respect of an approved budget shall be paid in twelve equal monthly instalments. *New.* Instalments

13.—(1) Where, after prior approval in writing by the Minister, a society has erected, purchased or otherwise acquired a building for use for a purpose other than to provide the facilities and services referred to in section 16, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to such society of an amount up to 25 per cent of the value of the equity of the society in the building and the land on which it is situated. R.S.O. 1960, c. 53, s. 9 (2), *amended.* Capital grants

(2) Where, after prior approval in writing by the Minister, a society erects a new building or an addition to an existing building for the provision of facilities and services referred to in section 16, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount based upon the total bed capacity of the new building or addition at the rate of $2,500 per bed or of an amount equal to 50 per cent of the cost thereof to the society, computed in accordance with the regulations, whichever is the lesser. Idem

(3) Where, after prior approval in writing by the Minister, a society acquires an existing building for the provision of facilities and services referred to in section 16, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount based upon the total bed capacity at the rate of $750 per bed or of an amount equal to 50 per cent of the cost thereof to the society, computed in accordance with the regulations, whichever is the lesser. *New.* Idem

14. The council of any municipality may pass by-laws for the levying of such amounts as are necessary for the purpose of meeting any liability imposed on the municipality under this Part, or for the purpose of affording to a children's aid society such other assistance as the council considers advisable. R.S.O. 1960, c. 53, s. 26. Power to make levies

15. The Crown, represented by the Minister, may enter into an agreement with any other jurisdiction providing for the payment by Ontario of the cost of the care and maintenance in the other jurisdiction of the children of unmarried mothers who are residents of Ontario, as determined under the agreement, and for the payment by the other jurisdiction of the cost of the care and maintenance in Ontario of the children of unmarried mothers who are residents of the other jurisdiction, as determined under the agreement. *New.* Reciprocal agreements

Special homes and services

16. Two or more children's aid societies having concurrent or continuous jurisdictions may enter into an agreement with the approval of the Minister establishing a joint committee for the purpose of providing facilities and services for the joint use of the societies to meet such special needs of children as are prescribed by the regulations, and sections 8 to 13 apply to the joint committee, for the purposes for which it was established, in the same manner as if the joint committee were a children's aid society. *New.*

Temporary board

17. Where, in the opinion of the Lieutenant Governor in Council, a children's aid society is not able to perform its duties, the Lieutenant Governor in Council may appoint a board of directors who shall be the board of directors of the society for such period as he considers advisable. *New.*

Dissolution of societies

18. The Lieutenant Governor in Council may at any time, upon the recommendation of the Minister, dissolve a children's aid society on such date as the order provides, and upon the dissolution of a society its property vests in the Crown to be held and disposed of in such manner as the Lieutenant Governor in Council determines. R.S.O. 1960, c. 53, s. 10, *amended.*

PART II

PROTECTION AND CARE OF NEGLECTED CHILDREN

Interpretation

19.—(1) In this Part,

(*a*) "child" means a boy or girl actually or apparently under sixteen years of age;

(*b*) "foster home" means a home, other than the home of his parent, in which a child is placed for care and supervision but not for the purposes of adoption;

(*c*) "judge" means the judge of a juvenile and family court;

(*d*) "neglected child" means,

(i) a child who is an orphan and who is not being properly cared for, or who is brought, with the consent of the person in whose charge he is, before a judge to be dealt with under this Part,

(ii) a child who is deserted by the person in whose charge he is or that person has died or is unable to care properly for him,

(iii) a child where the person in whose charge he is cannot, by reason of disease or infirmity or misfortune or incompetence or imprisonment or any combination thereof, care properly for him,

(iv) a child who is living in an unfit or improper place,

(v) a child found associating with an unfit or improper person,

(vi) a child found begging or receiving alms in a public place,

(vii) a child who, with the consent or connivance of the person in whose charge he is, commits any act that renders him liable to a penalty under any Act of the Parliament of Canada or of the Legislature, or under any municipal by-law,

(viii) a child whose parent is unable to control him,

(ix) a child who, without sufficient cause, habitually absents himself from his home or school,

(x) a child where the person in whose charge he is neglects or refuses to provide or obtain proper medical, surgical or other remedial care or treatment necessary for his health or well-being, or refuses to permit such care or treatment to be supplied to the child when it is recommended by a duly qualified medical practitioner,

(xi) a child whose emotional or mental development is endangered because of emotional rejection or deprivation of affection by the person in whose charge he is,

(xii) a child whose life, health or morals may be endangered by the conduct of the person in whose charge he is;

(*e*) "parent" means a person who is under a legal duty to provide for a child, or a guardian or a person standing *in loco parentis* to a child other than a person appointed for the purpose under this Act;

(*f*) "place of safety" means a receiving home or an institution for the care and protection of children;

(*g*) "public place" means a place, building or conveyance to which the public has, or is permitted to have, access;

(*h*) "receiving home" means an institution or home operated or supervised by a children's aid society for the temporary care of children.

By whom cases to be heard

(2) Applications under this Part shall be heard by the judge having jurisdiction in the place where the child was taken into protective care. R.S.O. 1960, c. 53, s. 11 (1, 2), *amended.*

Order affecting infant

(3) A judge may make an order under this Part notwithstanding the infancy of the child or his parent.

Guardian *ad litem*

(4) For the purposes of an application under this Part, where the parent of a child is under the age of twenty-one years, the Official Guardian or any other person appointed by the judge shall be the guardian *ad litem* of the parent with the duty of safeguarding his or her interests before the court, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just. *New.*

How neglected child brought before judge

20. A constable or other police officer, the Director, a local director or a person authorized by the Director or by a local director may take without warrant to a place of safety any apparently neglected child and detain the child there until the child can be brought before a judge, or he may apply to a judge for an order requiring the person in whose charge the child is to produce the child before a judge at the time and place named in the order. R.S.O. 1960, c. 53, s. 12, *amended.*

Warrant to search for neglected child

21.—(1) If it appears to a justice of the peace, on information laid before him on oath,

(*a*) that there is reasonable cause to suspect that a child is neglected; or

(*b*) that a child has been unlawfully removed from the care or custody of a children's aid society or is being unlawfully concealed or harboured,

the justice may issue a warrant authorizing any person named therein to search for the child and to take him to and detain him in a place of safety.

(2) A person authorized by the warrant may enter, if need be by force, any house, building or other place specified in the warrant and may remove the child therefrom. Right of entry

(3) It is not necessary in an information or warrant under this section to describe the child by name. R.S.O. 1960, c. 53, s. 13, *amended*. Name not necessary

22. Where a child is in the care of an institution or home and no parent can be located, an officer of the institution or home shall notify the children's aid society and may, upon notice to the children's aid society, apply to a judge who may determine that the child is a neglected child under section 24. R.S.O. 1960, c. 53, s. 14, *amended*. Child in institution

23.—(1) A child detained in a place of safety under section 20 or clause *a* of subsection 1 of section 21 shall be returned to his parent or brought before a judge within ten days of his detention. Detention limited

(2) Subsection 1 does not apply to a child while he is in the care of a children's aid society or detained by the society in a place of safety with the written consent of the person in whose charge he was immediately before being placed in the care of the society or taken to and detained in a place of safety. R.S.O. 1960, c. 53, ss. 15, 16. Voluntary care or detention

24.—(1) Where a child is brought before a judge as an apparently neglected child, the judge shall hold a hearing and determine whether or not the child is a neglected child, and, if he finds that the child is a neglected child, he shall also determine the child's name, age and religious faith. Hearing to be held

(2) The judge has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite, and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. Witnesses

(3) The judge may hear any person on behalf of the child, the local director of the children's aid society or any person authorized by the board of directors of the society on behalf of the society, the clerk of a municipality or any person authorized by the council of the municipality on behalf of the municipality, and a regional welfare administrator of the Department of Public Welfare or any person authorized by the Minister on behalf of Ontario. R.S.O. 1960, c. 53, s. 17 (1-3). Who may be heard

(4) The judge shall not proceed to hear or dispose of the matter until he is satisfied that the parent or other person Notice

having the actual custody of the child and the municipality in which the child was taken into protective care have had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified. R.S.O. 1960, c. 53, s. 17 (4), *amended*.

Notice

(5) Where the child was taken into protective care in territory without municipal organization, the judge shall not proceed to hear or dispose of the matter until he is satisfied that the regional welfare administrator of the Department of Public Welfare for the area in which the child was taken into protective care has had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause such official to be notified. R.S.O. 1960. c. 53, s. 17 (5), *amended*.

Taking and transcribing evidence

(6) The evidence of every witness shall be given under oath and shall be taken down,

(*a*) where the proceedings are in a juvenile and family court that has a stenographer who is a member of the staff of the court, by that stenographer; and

(*b*) where the proceedings are in a juvenile and family court that does not have a stenographer who is a member of the staff of the court, by a stenographer appointed by the judge,

and the court when requested so to do shall provide a transcript of the evidence within twenty days. R.S.O. 1960, c. 53, s. 17 (6).

Fees

R.S.O. 1960, c. 226

(7) Stenographers appointed under clause *b* of subsection 6, or the employers of such stenographers, shall be allowed the fees prescribed under *The Magistrates Act* for taking down and transcribing evidence, and such fees shall,

(*a*) for taking down evidence, be paid by the municipality in which the child was apprehended or by Ontario where the child was taken into protective care in territory without municipal organization; and

(*b*) for transcribing evidence, be paid by the person or authority requesting the transcription.

Care and custody during adjournment

(8) Where a hearing is adjourned, the judge shall make such order for the temporary care and custody of the child as he thinks advisable. R.S.O. 1960, c. 53, s. 17 (7, 8), *amended*.

Order where child neglected

25. Where the judge finds the child to be a neglected child, he shall make an order,

(*a*) that the case be adjourned *sine die* and that the child be placed with or returned to his parent or other person subject to supervision by the children's aid society; or

(*b*) that the child be made a ward of and committed to the care and custody of the children's aid society having jurisdiction in the area in which the child was taken into the protective care of the society for such period, not exceeding twelve months, as in the circumstances of the case he considers advisable; or

(*c*) that the child be made a ward of the Crown until the wardship is terminated under section 31 or 34 and that the child be committed to the care of the children's aid society having jurisdiction in the area in which the child was taken into the protective care of the society. R.S.O. 1960, c. 53, s. 17 (9), *amended*.

Payments by parent

26.—(1) Where a child is found to be a neglected child and is committed to the care of a children's aid society, the judge shall order the parent to pay to the children's aid society such sum as is prescribed by the regulations for each day the child is in the care of the society. R.S.O. 1960, c. 53, s. 17 (11), *amended*.

Varying payments by parent

(2) Where a judge finds that a parent is unable to pay the amount required to be paid under subsection 1, the judge may order that the parent pay such part thereof as the judge determines, and the judge may vary or rescind the order where the circumstances of the parent have changed.

Agreement to collect payments

(3) The council of a municipality may enter into an agreement with the board of directors of a children's aid society providing for the collection by the municipality on behalf of the society of the payments of the amounts required to be paid by parents under subsection 1. *New*.

Enforcement of order

R.S.O. 1960, c. 105

(4) An order made against a parent under subsection 1 may be enforced in the same manner as an order made under *The Deserted Wives' and Children's Maintenance Act*. R.S.O. 1960, c. 53, s. 17 (13).

Re-opening of case adjourned *sine die*

(5) Where the judge has made an order under clause *a* of section 25, the society may at any time bring the case again before a judge for further consideration and action under this section, and the judge may terminate the order and make a further order under section 25 or take such other

action under that section as he deems necessary in the interest of the welfare of the child. R.S.O. 1960, c. 53, s. 17 (14), *amended*.

Presence of child at hearing

27.—(1) Where he deems it to be in the best interest of the child, the judge may order that the presence of the child at the hearing under this Part be dispensed with. 1961-62, c. 14, s. 2, *revised*.

Proceedings at any time or on a holiday R.S.O. 1960, c. 197

(2) Notwithstanding section 126 of *The Judicature Act* and with the leave of the judge hearing an application under this Part, any step may be taken in the application, the hearing may be held and the order may be made and performed at any time of any day, including a holiday. 1962-63, c. 12, s. 2.

Access to child

28. A judge may, in any case arising under this Part, make such order as he deems proper regarding the right of access to the child by any person or by either parent of the child, having regard to the welfare of the child, the conduct of the person or parent and the wishes of the parents, and may at any time alter, vary or discharge any order so made. R.S.O. 1960, c. 53, s. 18.

Statement of facts

29. Every order made under this Part shall contain a statement of the facts upon which the decision of the judge is based. R.S.O. 1960, c. 53, s. 17 (20), *amended*.

Reapplication before expiration of wardship

30. Where a child has been committed as a ward of a children's aid society, the society may at any time and shall, before the expiration of the period of wardship other than under section 34, apply to the judge for further consideration, and the judge shall thereupon further inquire and determine whether the circumstances justify a further order under section 25, but in no case shall an order be made that results in the child being a ward of the society for a continuous period of more than twenty-four months. R.S.O. 1960, c. 53, s. 17 (15); 1962-63, c. 12, s. 1, *amended*.

Application to terminate Crown wardship

31.—(1) Where a child has been committed as a ward of the Crown, the children's aid society having the care of the child may apply to a judge for an order terminating the Crown wardship, and, if the judge is satisfied that the termination is in the best interests of the child, he shall order that the Crown wardship be terminated. 1961-62, c. 14, s. 1 (2), *part, amended*.

Idem

R.S.O. 1960, cc. 56, 236

(2) Within six months after a Crown ward is admitted to hospital under *The Children's Mental Hospitals Act* or an institution under *The Mental Hospitals Act*, other than an examination unit, the children's aid society responsible for

the care of the child shall, upon notice to the superintendent of the hospital or mental institution, apply to a judge for an order terminating the Crown wardship, and, if the judge is satisfied that the termination of the wardship is in the best interests of the child, he shall order that the Crown wardship be terminated. 1961-62, c. 14, s. 1 (2), *part, amended.*

Duties re Crown wards

32.—(1) The Crown has and shall assume all the rights and responsibilities of a legal guardian of its wards for the purpose of their care, custody and control, and the powers, duties and obligations of the Crown in respect of the wards of the Crown, other than those assigned to the Director by this Act, may be exercised and discharged by the local director of the children's aid society having the care of the ward.

Control of Director

(2) The Director may direct that a Crown ward be moved to any other children's aid society or institution designated by the Director.

Permanent wards under R.S.O. 1960, c. 53

(3) Every child committed permanently to the care and custody of a children's aid society under *The Child Welfare Act*, or any predecessor thereof, and who is in the permanent care and custody of the society immediately before this Act comes into force is a ward of the Crown in the care of such society, subject otherwise to the terms of the order making the permanent commitment. *New.*

Local director to be legal guardian

33.—(1) The local director of each children's aid society has and shall assume all the rights and responsibilities of a legal guardian of the wards of the society for the purpose of their care, custody and control. R.S.O. 1960, c. 53, s. 17 (17), *amended.*

Temporary wards under R.S.O. 1960, c. 53

(2) Every child committed temporarily to the care and custody of a children's aid society under *The Child Welfare Act*, or any predecessor thereof, and who is in the temporary care and custody of the society immediately before this Act comes into force continues to be a ward of the society, subject otherwise to the terms of the order making the temporary commitment. *New.*

Termination of wardship

34. Every wardship terminates when the ward attains the age of eighteen years, but, upon the application of a children's aid society with the approval of the Director, a judge may order that the wardship of a Crown ward continue until the ward attains the age of twenty-one years where the ward is dependent for educational purposes or because of mental or physical incapacity. R.S.O. 1960, c. 53, s. 17 (19), *part, amended.*

Temporary care on municipal authorization

35. The council of a municipality may by by-law designate one or more members of the council or any employee of the municipality to authorize a children's aid society to furnish temporary care and shelter to a child where the person in charge of the child consents thereto. R.S.O. 1960, c. 53, s. 27 (1), *amended*.

Application for production of child

36.—(1) Where a parent applies to a judge for an order for the production of a child committed under this Part and the judge is of the opinion that the parent has neglected or deserted the child or that he has otherwise so conducted himself that the judge should refuse to enforce his right to the custody of the child, the judge may in his discretion decline to make the order. R.S.O. 1960, c. 53, s. 30 (1), *amended*.

Judge may order compensation

(2) If at the time of the application the child is being brought up by another person or has been placed by a children's aid society, the judge, if he directs the child to be given up to the parent, may order the parent to pay to such person or society the whole of the expense properly incurred in bringing up the child, or such part thereof as seems just.

No order unless parent fit person

(3) Where a parent,

(*a*) has abandoned or deserted his child; or

(*b*) has allowed his child to be brought up by another person at that person's expense, or by a children's aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

the judge shall not make an order for the delivery of the child to the parent unless the parent satisfies the judge that, having regard to the welfare of the child, he is a fit person to have the custody of the child. R.S.O. 1960, c. 53, s. 30 (2, 3).

Child's wishes to be consulted

(4) Nothing in this section affects the power of the judge to consult the wishes of the child in determining what order ought to be made or any right that the child possesses to exercise his own free choice. R.S.O. 1960, c. 53, s. 30 (5).

Appeal to county court judge

37.—(1) A decision granting or refusing an order under this Part may be appealed to the judge of the county or district court of the county or district in which the application was made, but, where the judge who made the decision is also the county or district court judge, the appeal shall be heard and disposed of by any other county or district court judge in the same county or district court district.

Appeal to Court of Appeal

(2) A decision upon an appeal under subsection 1 is subject to an appeal to the Court of Appeal.

(3) An appeal on behalf of a child may be made at the instance of a next friend. R.S.O. 1960, c. 53, s. 29; 1961-62, c. 14, s. 3, *amended*. Appeal by next friend

38.—(1) For the purposes of this section, a child shall be deemed to have the same religious faith as his father unless it is shown that an agreement has been entered into in writing, signed by his parents, that he be brought up in the same religious faith as his mother. Presumption as to religious faith

(2) For the purposes of this section, the child of an unmarried mother shall be deemed to have the religious faith of his mother. R.S.O. 1960, c. 53, s. 31 (1, 2), *amended*. Child of unmarried mother

(3) Where a child is being raised in a religious faith other than his religious faith as determined under subsection 1 or 2 or where his religious faith can not be readily determined under subsection 1 or 2, the judge may determine the child to have such religious faith, if any, for the purposes of this section, as he deems proper in the circumstances. *New*. Where established faith not that of parent

(4) A Protestant child shall not be committed under this Part to the care of a Roman Catholic children's aid society or institution and a Roman Catholic child shall not be committed under this Part to a Protestant children's aid society or institution, and a Protestant child shall not be placed in a foster home with a Roman Catholic family and a Roman Catholic child shall not be placed in a foster home with a Protestant family, and, where a child committed under this Part is other than Protestant or Roman Catholic, he shall be placed where practicable with a family of his own religious faith, if any. R.S.O. 1960, c. 53, s. 31 (3), *amended*. Religious faith of child

(5) Subsection 4 does not apply to the commitment of a child to the care of a children's aid society in a municipality in which there is only one children's aid society. R.S.O. 1960, c. 53, s. 31 (4). Where only one society

(6) Where a children's aid society, Application to waive subss. 1-4

(*a*) is unable to place a child in a suitable foster home within a reasonable time because of the operation of subsections 1 to 4; and

(*b*) would be able to place the child in a suitable foster home but for the operation of subsections 1 to 4,

the society may apply to a judge who may order that subsection 4 does not apply to the child in respect of the placement. *New*.

Child's wishes to be consulted

(7) Notwithstanding anything in this section, the judge may have regard to the wishes of the child in determining what order ought to be made as to his religious faith. R.S.O. 1960, c. 53, s. 31 (5).

Society may place ward

39.—(1) A ward of the Crown or of a children's aid society may be placed by the society for any period of time in a foster home or other suitable place according to the needs of the child, and every ward so placed shall receive an education in accordance with the laws of Ontario and in keeping with his intellectual capacity, and provision for his occupational training and for his total development shall be such as a good parent would make for his own child.

Removal of ward of society

(2) A ward of the Crown or of a children's aid society who has been so placed may at any time be removed by the society when, in the opinion of the Director or the local director, the welfare of the ward so requires.

Adoption of ward

(3) Where a ward of the Crown is placed in a foster home, and, in the opinion of the local director with the approval of the Director, it is in the best interest of the ward to place him in adoption, the foster parents shall not be denied the opportunity of making application to adopt the ward if they so desire. R.S.O. 1960, c. 53, s. 32, *amended*.

Interference with wards, etc.

40.—(1) No person shall,

(*a*) induce or attempt to induce a person under the age of eighteen years, who is lawfully in the care of an organization that provides care for children, to leave the premises in which he has been lawfully placed; or

(*b*) detain or harbour a person under the age of eighteen years, who is lawfully in the care and custody of an organization that provides care for children, after demand made by a person authorized to require him to be delivered up; or

(*c*) visit, write to, telephone to or otherwise interfere with a ward who is placed in a foster home or other place, or his foster parents, without the consent in writing of the children's aid society under whose supervision he is. R.S.O. 1960, c. 53, s. 33 (1), *amended*.

Offence

(2) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $500 or to imprisonment for a period of not more than one year, or to both. R.S.O. 1960, c. 53, s. 33 (2), *amended*.

Desertion, neglect, etc., of child

41.—(1) Any person having the care, custody, control or charge of a child who neglects, abandons, deserts or fails to support the child or inflicts unreasonable cruelty or ill-treatment upon the child not constituting an assault is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $500 or to imprisonment for a term of not more than one year, or to both.

Leaving child unattended

(2) Any person having the care, custody, control or charge of a child under the age of ten years who leaves the child unattended for an unreasonable length of time without making reasonable provision for the supervision and safety of the child is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $100 and, for any subsequent offence, to a fine of not more than $200 or imprisonment for a term of not more than one year.

Further proceedings as to child

(3) The judge may in connection with any case arising under subsection 1 or 2 hold a hearing in respect of any child concerned and may proceed as though the child had been brought before him as an apparently neglected child. R.S.O. 1960, c. 53, s. 34.

Reporting ill-treatment of child

42.—(1) Every person having information of the neglect, abandonment, desertion or physical ill-treatment of a child shall report the information to a children's aid society or Crown attorney.

Privilege abolished

(2) Subsection 1 applies notwithstanding that the information is confidential or privileged, and no action shall be instituted against the informant unless the giving of the information is done maliciously or without reasonable and probable cause. *New.*

Causing child to beg, perform, etc.

43.—(1) Every person who,

(*a*) causes or procures a child to be in any public place for the purpose of begging or receiving alms or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale or otherwise; or

(*b*) causes or procures a child to be in any public place for the purpose of singing, playing or performing for profit or offering anything for sale between 9 o'clock in the afternoon of any day and 6 o'clock in the morning of the following day; or

(*c*) subject to subsection 2, causes or procures a child to be at any time for the purpose of singing, playing or

performing for profit or offering anything for sale in any circus, theatre or other place of public amusement to which the public is admitted by payment,

is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $100 or to imprisonment for a term of not more than six months, or to both.

Licence for child to perform in public

(2) In the case of an entertainment or series of entertainments to take place in premises used for public entertainment or in a circus, theatre or other place of public amusement, where it is shown that provision has been made to ensure the health and proper treatment of a child proposed to be employed thereat, the head of the council of the municipality may, with the approval of the children's aid society, grant a licence for such time and during such hours of the day and subject to such restrictions and conditions as he thinks fit for any child who in his opinion is a fit and proper person to take part in such entertainment or series of entertainments, and the licence may at any time be varied, added to or revoked by him with the approval of the children's aid society.

Officer to supervise licensed child

(3) The municipal council shall assign to a person the duty of seeing that the restrictions and conditions of any licence granted under subsection 2 are duly complied with, and such person may enter, inspect and examine any place at which the employment of a child is for the time being licensed, and that duty shall be discharged by the chief constable of the municipality until some other person is appointed. R.S.O. 1960, c. 53, s. 35.

Street trades, girls under 16 and boys under 12

44.—(1) No girl under sixteen years of age and no boy under twelve years of age shall engage in or be licensed or permitted to engage in any street trade or occupation.

boys 12 to 16

(2) No boy twelve or more years of age and under sixteen years of age shall engage in any street trade or occupation between the hours of 9 o'clock in the afternoon and 6 o'clock in the morning of the following day. R.S.O. 1960, c. 53, s. 36 (1, 2).

Boy or girl under 16 loitering in public place at night

(3) No boy or girl under sixteen years of age shall loiter in any public place between the hours of 10 o'clock in the afternoon and 6 o'clock in the morning of the following day or be in any place of public resort or entertainment during such hours unless accompanied by his or her parent or an adult appointed by the parent to accompany the boy or girl.

Warning

(4) A boy or girl found contravening any provision of this section may be warned by a constable, and, if the warning is

not regarded or if, after the warning, the boy or girl is again found contravening any provision of this section, the boy or girl may be taken by the constable to the home of the boy or girl or to a place of safety and dealt with as an apparently neglected child. R.S.O. 1960, c. 53, s. 36 (3, 4), *amended.*

Offence

(5) A parent who permits his boy or girl to contravene any provision of this section is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $25 and, for any subsequent offence, to a fine of not more than $100. R.S.O. 1960, c. 53, s. 36 (5); 1962-63, c. 12, s. 4.

Presumption as to age of child

45. Where a person is charged with an offence under this Part in respect of a child who is alleged to be under a specified age and the child appears to the judge to be under that age, the child shall for the purposes of this Part be deemed to be under that age unless the contrary is proved. R.S.O. 1960, c. 53, s. 37.

Separate place of detention

46.—(1) A child who is charged with an offence or brought before a judge under this Part shall not, before his trial or hearing, be confined in a place used for persons charged with crime.

Idem

(2) The council of every city, town, village and township shall make provision for the separate detention of every such child prior to his trial or hearing by arrangement with a person or society willing to undertake the responsibility of such detention on such terms as are agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-up and jail.

Idem

(3) A child lawfully in custody shall not be placed or allowed to remain in the company of adult prisoners. R.S.O. 1960, c. 53, s. 38 (1-3), *amended.*

Alternative proceedings

(4) Where it appears to the judge that the interest of a child charged with an offence under section 44 will be best served thereby, the child may be dealt with by the judge in the same manner as though the child had been brought before him as an apparently neglected child. R.S.O. 1960, c. 53, s. 38 (6), *amended.*

Place of hearing

47.—(1) Where a child is brought before a judge under this Part, the hearing shall be held in premises maintained specifically for the purpose or in the private office of the judge or in other suitable premises, but the hearing shall not be held in premises ordinarily used for hearings by magistrates. R.S.O. 1960, c. 53, s. 39 (1), *amended.*

Exclusion of public, etc.

(2) Where a child or parent is brought before a judge for trial or hearing under this Part, the judge shall exclude from the room all persons, other than the counsel and witnesses in the case, officers of the law or of a children's aid society and friends and relatives of the child or parent, and he may exclude any or all the friends and relatives as he thinks proper. R.S.O. 1960, c. 53, s. 39 (2).

Information not to be published

(3) Where a hearing is held under this Part, whether upon an application or by way of a trial or appeal, no person shall publish the name of the child or his parent concerned in the hearing by newspaper or other publication or by broadcast or any other means, except with the leave of the person holding the hearing. *New.*

Effect of order of court in other jurisdiction

48.—(1) Where, by an order or orders made by a court of competent jurisdiction in any other province or territory of Canada or in any other state or country that is specified in the regulations, full and lawful parental rights and responsibilities in respect of a child have been legally vested in any person, organization, province, state, country or legal representative thereof, the order or orders so made shall for all purposes in Ontario have the same force and effect as if made under this Act.

Idem

(2) Where, as a requirement of the making of an order or orders of a court referred to in subsection 1, any statement, consent, declaration or similar document in writing is made by the person, organization, province, state, country or legal representative thereof in whom the full and lawful parental rights and responsibilities have been legally vested by such order or orders, such statement, consent, declaration or similar document in writing shall for all purposes in Ontario have the same force and effect as if made under this Act. 1961-62, c. 14, s. 4.

PART III

PROTECTION OF CHILDREN BORN OUT OF WEDLOCK

Interpretation

49.—(1) In this Part, "judge" means the judge of a juvenile and family court.

By whom cases to be heard

(2) Proceedings under this Part shall be heard by a judge. R.S.O. 1960, c. 53, s. 41, *amended.*

Where society not to intervene

50. Nothing in this Part requires a children's aid society to intervene in the care and maintenance of a child born out of wedlock where the child has been adopted in accordance with the laws of Ontario or where the child is being cared for voluntarily by a person whom the society considers suitable to have charge of the child. R.S.O. 1960, c. 53, s. 42, *amended.*

Agreement for maintenance of the child

51.—(1) Where a child is born out of wedlock and no agreement between the mother and the putative father with respect to the care and maintenance of the child is in force, a society and the mother of the child may enter into an agreement with the putative father of the child for the payment of money by the putative father in respect of the expenses and maintenance mentioned in subsection 1 of section 60, and, if the financial circumstances of the putative father change at any time, the terms of the agreement may be varied by the parties accordingly.

Idem

(2) Where a putative father enters into an agreement under subsection 1 in which he agrees to pay a fixed amount in respect of the maintenance mentioned in subsection 1 of section 60, the agreement shall provide for the fixed amount to be paid within twelve months from the date on which the agreement is made.

Payment of money under agreement

(3) The money payable under an agreement made under subsection 1 shall be paid in the first instance to the society that is party to the agreement.

Idem

(4) The money so paid to a society,

(*a*) if it is paid in respect of the expenses mentioned in subsection 1 of section 60, shall be apportioned, if necessary, and paid over by the society in accordance with the circumstances of the case to the person or persons who incurred the expenses;

(*b*) if it is paid in periodic payments in respect of the maintenance mentioned in subsection 1 of section 60, shall be paid over by the society to the person having the care and custody of the child; or

(*c*) if it is a fixed amount paid in respect of the maintenance mentioned in subsection 1 of section 60, shall be dealt with by the society as provided in section 67. R.S.O. 1960, c. 53, s. 43 (1-4).

Default under agreement

(5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the society, or the mother and the society together, may make an application to a judge for an order to enforce the agreement, and, where the putative father continues in default for a period of sixty days and an application for an order to enforce the agreement has not been made, the society shall within the next following period of thirty days make an application to a judge for an order to enforce the agreement. R.S.O. 1960, c. 53, s. 43 (5); 1961-62, c. 14, s. 5 (1).

Application for affiliation order

52. Notwithstanding that an agreement has been entered into, an application may be made to a judge at any time for an affiliation order,

(*a*) by the mother of a child born out of wedlock;

(*b*) by the next friend or guardian of a child born out of wedlock;

(*c*) by a society; or

(*d*) with the approval of a society, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payments of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the maintenance of the child or the maintenance of the mother. R.S.O. 1960, c. 53, s. 44, *amended*.

Infancy of mother or putative father

53.—(1) For the purposes of an application under this Part, where the putative father or the mother is under the age of twenty-one years, the Official Guardian or any other person appointed by the judge shall be the guardian *ad litem* of the putative father or the mother, as the case may be, with the duty of safeguarding his or her interests before the court, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just. *New*.

Death of mother

(2) A society may institute or continue proceedings under this Part even though the mother has died. R.S.O. 1960, c. 53, s. 45.

When application to be made

54. No affiliation order shall be made under section 60 unless the application therefor is made in the lifetime of the putative father, and,

(*a*) within two years from the birth of the child;

(*b*) within one year after the doing of any act on the part of the putative father that affords evidence of acknowledgment of paternity; or

(*c*) within one year after the return to Ontario of the putative father where he was absent from Ontario at the expiration of the period of two years from the birth of the child. R.S.O. 1960, c. 53, s. 46, *amended*.

Powers of judge

55. In proceedings under this Part, the judge has the power of summoning any person and requiring him to give evidence on oath and to produce all documents and things

as may be relevant, and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1960, c. 53, s. 47.

Proceedings to be private

56. All proceedings under this Part shall be heard by the judge in private. R.S.O. 1960, c. 53, s. 48.

Corroborative evidence required

57. No affiliation order shall be made under section 60 upon the evidence of the mother of the child unless her evidence is corroborated by some other material evidence. R.S.O. 1960, c. 53, s. 49.

Appointment for hearing; notice

58.—(1) Where an application for an affiliation order or an order to enforce an agreement is made to a judge, the judge shall appoint in writing a time and place at which the application will be heard, and notice in writing thereof shall be served personally or in such other manner as the judge directs upon the putative father at least seven days before the day so appointed. R.S.O. 1960, c. 53, s. 50 (1); 1962-63, c. 12, s. 5.

Arrest of putative father

(2) Where the judge is satisfied that there is good and probable cause for believing that the putative father of the child is in fact the father of the child and that the putative father is about to quit the territorial jurisdiction of his court with the intention of avoiding service of the notice in writing referred to in subsection 1 or of evading his obligations in respect of the child and the child's mother, whether before or after an affiliation order has been made, the judge may issue a warrant for the arrest of the putative father and upon his arrest may require him to give security for such sum and in such manner and upon such condition as the judge directs, and, if the security is not given, the judge may order the putative father to be imprisoned for a period of not more than three months unless the security is sooner given or the putative father has sooner complied with the condition so imposed. R.S.O. 1960, c. 53, s. 50 (2).

Where putative father fails to appear

59. Where the putative father who has been served with notice of the application for an affiliation order or an order to enforce an agreement fails to appear at the hearing or to show sufficient reason for not appearing, the judge in the absence of the putative father and upon sufficient evidence being adduced before him may make an order against the putative father under section 60 or he may make such other order as he considers just. R.S.O. 1960, c. 53, s. 51; 1962-63, c. 12, s. 6.

Affiliation order, where putative father appears

60.—(1) Where the putative father appears in pursuance of the notice of the application served upon him under sec-

tion 58, the judge upon sufficient evidence being adduced before him may make an order declaring the putative father to be in fact the father of the child and requiring him, in accordance with the circumstances of the case,

(*a*) to pay the reasonable expenses for the maintenance and care, medical and otherwise, of the mother of the child during her pregnancy and at the birth of the child, her burial expenses if she dies as a consequence of her pregnancy or of the birth of the child, and the burial expenses of the child if the child dies; and

(*b*) to make periodic payments or to pay a fixed amount for the maintenance of the child until the child attains the age of sixteen years or until the child is adopted under Part IV or until the child dies.

Contribution by mother

(2) A judge may in an affiliation order made under this section order the mother of the child to make periodic payments or to pay a fixed amount to assist in the maintenance of the child until the child attains the age of sixteen years or until the child is adopted under Part IV or until the child dies.

Considerations in fixing sums

(3) In estimating the amount of the periodic payments or the fixed amount for maintenance to be paid by the father under subsection 1, the judge shall fix such payments or amount as will enable the child to maintain a reasonable standard of life, having regard to what the child would have enjoyed had the child been born in lawful wedlock, but the judge shall take into consideration the ability of the father to provide such payments or amount and the ability of the mother to assist in the maintenance of the child.

When fixed sum to be paid

(4) Any fixed amount ordered to be paid under this section shall be paid within twelve months from the date of the affiliation order.

Death of child

(5) Any balance of a fixed amount paid under this section shall, if the child dies before attaining the age of sixteen years, revert to the father or mother, as the case may be, unless otherwise ordered by a judge. R.S.O. 1960, c. 53, s. 52.

Payment of money under affiliation order

61.—(1) Any money payable under an affiliation order made under section 60 shall be paid in the first instance to the judge making the order or to an official of the court designated by the judge. R.S.O. 1960, c. 53, s. 53 (1).

Idem

(2) Where the child of an unmarried mother is in the care of a children's aid society and the father is in default of pay-

ment under an affiliation order, the children's aid society shall make every effort to ensure the collection of the arrears under subsection 1 and may take any legal remedies available to the mother. *New.*

Idem

(3) Any money so paid for expenses under subsection 1 of section 60 shall be apportioned, if necessary, and paid over in accordance with the circumstances of the case to the person or persons who incurred the expenses. R.S.O. 1960, c. 53, s. 53 (2).

Idem

(4) Any money so paid as periodic payments for maintenance under subsection 1 or 2 of section 60 shall be paid over to the person having the care of the child on whose behalf the payments were made. R.S.O. 1960, c. 53, s. 53 (3), *amended.*

Idem

(5) Any money so paid as a fixed amount for maintenance under subsection 1 or 2 of section 60 shall be dealt with as provided in section 66 by the judge or the official of the court designated by the judge. R.S.O. 1960, c. 53, s. 53 (4).

Order to report to officer

62.—(1) Where the child for whose benefit the order for maintenance is made is a public charge or the judge is of the opinion that, if there is default in the order, the child is likely to be a public charge, the judge may, in the order, order any person required to make payments thereunder to report to a probation officer at such times and places as the judge deems necessary for the purpose of ensuring that such person is complying with the order. R.S.O. 1960, c. 53, s. 54 (1), *amended.*

Officer to be designated

(2) Where a judge orders a person to report to a probation officer under this section, he shall designate the officer and may by further order change the designation.

Failure to report

(3) Every person who without reasonable excuse fails to report to a probation officer when ordered so to do under this section is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than three months.

Proof of order

(4) An order made under this section certified by the judge or a certificate of a judge as to the making of an order by him is receivable in evidence as proof of the making of such order in any prosecution under this section without proof of the office or signature of the person certifying. R.S.O. 1960, c. 53, s. 54 (2-4).

Re-opening of application

63. Where an affiliation order has been made or an application for an affiliation order has been dismissed, a judge may, on the discovery of new evidence or of fraud, grant leave to re-open and may re-open and reconsider his decision. R.S.O. 1960, c. 53, s. 55, *amended*.

Variation of orders

64. Where an order for the payment of money has been made in an affiliation order under this Part, a judge may at any time vary or rescind the order for the payment of money as he sees fit, and any order so varied may be enforced in the same manner as the original order. R.S.O. 1960, c. 53, s. 56.

Appeal to county court judge

65.—(1) A decision granting or refusing an order under this Part may be appealed to the judge of the county or district court of the county or district in which the application was made, but, where the judge who made the decision is also the county or district court judge, the appeal shall be heard and disposed of by any other county or district court judge in the same county or district court district.

Appeal to Court of Appeal

(2) A decision upon an appeal under subsection 1 is subject to an appeal to the Court of Appeal. R.S.O. 1960, c. 53, s. 57, *amended*.

Order where parent an infant

66.—(1) A judge may make an order under this Part notwithstanding the infancy of either parent. *New*.

Enforcement of orders

(2) Any order made under this Part may be enforced in the same manner and by the like proceedings as,

R.S.O. 1960, c. 105

(*a*) an order made under *The Deserted Wives' and Children's Maintenance Act*;

R.S.O. 1960, c. 387

(*b*) an order made or fine imposed under *The Summary Convictions Act*; or

(*c*) a judgment of the division court, where the order has been filed with the clerk of a division court, whereupon proceedings by way of execution, garnishment proceedings or judgment summons, *inter alia*, may be used to enforce the order. R.S.O. 1960, c. 53, s. 58.

Money not immediately required

67. The portion of a fixed amount paid under an agreement made under section 51 or under an affiliation order made under section 60 that is not required immediately by the society that is a party to the agreement or by the judge who made the order, as the case may be, to pay the expenses or the maintenance mentioned in subsection 1 of section 60 shall be paid over to the Public Trustee by the judge or the society,

and the money so paid over shall be invested by the Public Trustee but is subject to withdrawal of any amounts from time to time upon the written requisition of a judge or of a society. R.S.O. 1960, c. 53, s. 59.

Deceased father's estate bound

68.—(1) An agreement made under section 51 or an order for payment of money in an affiliation order made under subsection 1 of section 60 binds the estate of the putative father or the father after his death, and any moneys payable thereunder are a debt due from and chargeable upon his estate and are recoverable at the suit of the society in the case of an agreement or by the person having the care and custody of the child in the case of an order, but every such agreement or order is, as to any payment falling due before or after his death, subject to review under section 64.

Proceedings after death of father

(2) No action or other proceeding shall be taken on any such agreement or order after the death of the putative father or the father without the leave of a judge of the court in which the action or other proceeding is to be brought, and the judge before granting leave shall direct notice to be given to the widow and legitimate children of the putative father or the father and to all other persons interested in his estate.

Widow, etc., not to be prejudiced

(3) Where in any such action or other proceeding it appears to the judge that the terms of the agreement or order cannot be carried out without depriving the widow or legitimate children of the putative father or the father of necessary maintenance, the judge may, having regard to all the circumstances, vary the agreement or order to such an extent and in such manner as to make equitable provision for the widow, the legitimate children and the child or children born out of wedlock. R.S.O. 1960, c. 53, s. 60, *amended*.

Payment of costs

69. A judge has power to direct payment of the costs of any proceeding taken before him under this Part. R.S.O. 1960, c. 53, s. 61.

PART IV

ADOPTION

Interpretation

70. In this Part, "child" means a person whether under twenty-one years of age or twenty-one or more years of age. R.S.O. 1960, c. 53, s. 62, *amended*.

Jurisdiction of courts

71.—(1) The Supreme Court or the county or district court of the county or district in which either the applicant or the child sought to be adopted resides at the time of the application for an adoption order has jurisdiction to make the order.

Application to be heard in chambers

(2) An application for an adoption order shall be heard and determined in chambers.

Stale applications

(3) Where an application for an adoption order is not heard by the court within the twelve months next following the signing of the application by the applicant, it shall not be proceeded with, but another application may be made in its stead.

Guardian *ad litem*

(4) For the purpose of an application for an order for the adoption of a child under twenty-one years of age, the court may appoint a person to act as guardian *ad litem* of the child upon the hearing of the application with the duty of safeguarding the interests of the child before the court, and the court may direct the applicant to pay the costs of the person so appointed. R.S.O. 1960, c. 53, s. 63.

Where order may be made

72. The court may make an order for the adoption of any child resident in Ontario upon application therefor being made in the prescribed manner by a person resident in Ontario, notwithstanding the infancy of the child or its parent. R.S.O. 1960, c. 53, s. 64; 1961-62, c. 14, s. 8, *amended*.

Where order not to be made

73.—(1) The court shall not make an adoption order,

(*a*) where the applicant is under twenty-one years of age or, in the case of a joint application by a husband or wife, where the husband is under twenty-one years of age;

(*b*) where the applicant is a male and the child sought to be adopted is a female under twenty-one years of age; or

(*c*) where the applicant is unmarried, a widow, a widower or a divorced person,

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of the order. R.S.O. 1960, c. 53, s. 65 (1); 1962-63, c. 12, s. 7.

Adoption by more than one person

(2) Except in the case of a joint application by a husband and wife, an order shall not be made for the adoption of a child by more than one person.

Consent of adopting spouse

(3) An adoption order shall not be made upon the application of a husband or wife without the written consent of the spouse. R.S.O. 1960, c. 53, s. 65 (2, 3).

(4) An order for the adoption of a child who is twenty-one or more years of age or who is under twenty-one years of age and has been married shall not be made unless the court is satisfied that the child has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption. R.S.O. 1960, c. 53, s. 65 (4), *amended*. Child 21 or over or under 21 and married

74.—(1) An order for the adoption of a child under twenty-one years of age who was born in wedlock and who has not been married shall be made only with the written consent, given after the child was seven days old, of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the child, but any person who has given his consent may cancel it within twenty-one days after it was given by a document in writing to that effect. R.S.O. 1960, c. 53, s. 66 (1); 1961-62, c. 14, s. 9. Consent, where child born in wedlock

(2) An order for the adoption of a child under twenty-one years of age who was born out of wedlock and who has not been married shall be made only with the written consent of the mother, given after the child was seven days old, and, where the child resides with and is maintained by the father, with the written consent of the father, but the mother or father may cancel such consent within twenty-one days after it was given by a document in writing to that effect. R.S.O. 1960, c. 53, s. 66 (2). Idem, where child born out of wedlock

(3) An order for the adoption of a child who is a Crown ward shall be made only with the written consent of the Director, in which case no other consent is required. R.S.O. 1960, c. 53, s. 66 (3), *amended*. Idem, Crown ward

(4) An order for the adoption of a child who is twenty-one or more years of age or who is under twenty-one years of age and has been married shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse. R.S.O. 1960, c. 53, s. 66 (4), *amended*. Idem, child 21 or over or under 21 and married

(5) Where a consent required by this section has not been given, the court may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with. Where consent not given

(6) Where a consent required by this section has been given, it may be withdrawn by the person giving it only if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the consent be withdrawn. R.S.O. 1960, c. 53, s. 66 (5, 6). Where consent given

Affidavit of execution

75. An affidavit of execution in the prescribed form shall be attached to every consent required under this Part and to every cancellation under subsection 2 of section 74. R.S.O. 1960, c. 53, s. 67.

Director's certificate

76.—(1) An adoption order in respect of a child who is under twenty-one years of age and who has not been married shall not be made unless the Director certifies in writing,

(*a*) that the child has resided for six months or more with the applicant and that during that period the conduct of the applicant and the conditions under which the child has lived have been such as in the opinion of the Director justify the making of the order; or

(*b*) that the applicant is to the knowledge of the Director a proper person to have the care and custody of the child and that for the reasons set out in the certificate it is in the best interests of the child that the period of residence be dispensed with,

and the Director, in giving his certificate under clause *a* or *b*, may bring to the attention of the court any additional circumstances of the case that, in his opinion, the court may wish to take into account before the making of the order. R.S.O. 1960, c. 53, s. 68 (1); 1961-62, c. 14, s. 10, *amended.*

Local director's certificate

(2) In the case of a child referred to in subsection 1 who has been placed for adoption by a children's aid society, the certificate referred to in clause *a* of that subsection is sufficient if it is signed by the local director. R.S.O. 1960, c. 53, s. 68 (2).

Duty of court

77. The court before making an adoption order shall be satisfied,

(*a*) that every person who has given a consent under this Part understands the nature and effect of the adoption order; and

(*b*) that the order will be in the best interests of the child. R.S.O. 1960, c. 53, s. 69.

Surname

78.—(1) Upon an adoption order being made and unless the adoption order provides for the adopted child to retain his surname, the adopted child shall assume the surname of the adopting parent.

Given names

(2) In an adoption order, the court may in its discretion change the Christian or given name or names as the adopting parent desires, and thereafter the adopted child is entitled to and is to be known by the name or names so given. R.S.O. 1960, c. 53, s. 70.

79. If the adopted child was born out of wedlock, that fact shall not appear upon the adoption order. R.S.O. 1960, c. 53, s. 71. Born out of wedlock not to appear

80.—(1) The papers used upon an application for an adoption order shall be sealed up and filed in the office of the court by the proper officer of the court and shall not be open for inspection except upon an order of the court or the written direction of the Director. R.S.O. 1960, c. 53, s. 72. Papers to be sealed up

(2) Within thirty days after the making of an adoption order, the proper officer of the court shall cause to be made a sufficient number of certified copies thereof under the seal of the proper certifying authority and shall transmit, Transmission of order

(*a*) the original order to the adopting parent;

(*b*) one certified copy to the Director; and

(*c*) one certified copy to the Registrar General, or, where the adopted child was born outside Ontario, two certified copies to the Registrar General. R.S.O. 1960, c. 53, s. 73; 1961-62, c. 14, s. 11.

81.—(1) Upon an application for an adoption order, the court, with the written approval of the Director, may postpone the determination of the application and make an interim order giving the custody of the child sought to be adopted to the applicant for a period not exceeding one year by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the child and otherwise as the court thinks fit. Interim order

(2) An interim custody order is not an adoption order. Idem

(3) All consents required for an adoption order are necessary for an interim custody order, subject to a like power in the court to dispense with any such consent requirement. Consents

(4) Where an applicant has obtained an interim custody order and subsequently takes up residence outside Ontario, the court may nevertheless make the adoption order applied for if the Director makes the certificate mentioned in section 76. R.S.O. 1960, c. 53, s. 74. Residence outside Ontario

82. An adoption order or an interim custody order may be made in respect of a child who has previously been the subject of an adoption order, and the adopting parent under the adoption order last previously made shall, if living, be deemed to be the parent of the child for the purposes of this Part. R.S.O. 1960, c. 53, s. 75. Effect of order on previous adoption

Status of adopted child

83.—(1) For all purposes, the adopted child, upon the adoption order being made, becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child as if the adopted child had been born in lawful wedlock to the adopting parent.

Idem

(2) For all purposes, the adopted child, upon the adoption order being made, ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child. R.S.O. 1960, c. 53, s. 76 (1, 2).

Reference to "child", "children" or "issue"

(3) Any reference to "child", "children" or "issue" in a will or other document, whether heretofore or hereafter made, shall, unless the contrary is expressed, be deemed to include an adopted child. *New.*

Idem

(4) The relationship to one another of all persons, whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the making of the adoption order and the kindred of that parent or any other person, shall be determined in accordance with subsections 1, 2 and 3.

Exception

(5) Subsections 2 and 4 do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity that, but for this section, would have existed. R.S.O. 1960, c. 53, s. 76 (3, 4).

Status of persons herefore adopted

84. Every person heretofore adopted under the laws of Ontario and every person adopted under the laws of any other province or territory of Canada or under the laws of any other country shall for all purposes in Ontario be governed by this Part. R.S.O. 1960, c. 53, s. 77.

Succession duty R.S.O. 1960, c. 386

85.—(1) Where duty is levied under *The Succession Duty Act* on the death of an adopted child,

(*a*) on property passing on his death to or for the benefit of the adopting parent or the kindred of the adopting parent; or

(*b*) on the adopting parent or the kindred of the adopting parent,

the duty is payable at the same rate and to the same extent as if the adopted child had been born in lawful wedlock to the adopting parent.

Idem

(2) Where duty is levied under *The Succession Duty Act* on the death of an adopting parent or the kindred of an adopting parent,

(*a*) on property passing on the death of the parent to or for the benefit of the adopted child or any issue of the adopted child; or

(*b*) on the adopted child or issue,

the duty is payable at the same rate and to the same extent as if the adopted child had been born in lawful wedlock to the adopting parent. R.S.O. 1960, c. 53, s. 78.

Duty of children's aid society to secure adoption

86.—(1) Every children's aid society shall endeavour to secure the adoption of Crown wards, having regard to the individual needs of each ward.

Report to Director

(2) Every children's aid society shall, within one year after a Crown ward is committed to its care, report to the Director in the prescribed form the efforts made to secure the adoption of the ward and the facts relevant to his adoption.

Idem

(3) Every children's aid society shall submit to the Director a monthly return in the prescribed form showing, as at the end of each month, the adoption status of each Crown ward in its care and of applicants as adoptive parents. *New.*

Registration of placement

87.—(1) Every person, other than a children's aid society, who places a child with another person on the understanding that the other person will adopt the child shall, within thirty days after the day on which the child was so placed, register the placement with the Director in the prescribed form.

Information

(2) At the request of the Director, a children's aid society shall, within fifteen days after the receipt of the request, obtain such information respecting a placement as he requires and shall forthwith transmit the information to the Director together with its opinion as to the suitability of the placement.

Offence

(3) Every person who fails to comply with subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $100. R.S.O. 1960, c. 53, s. 79.

Penalty for payments in connection with adoptions

88. Every person who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, in consideration of the adoption of a child under this Part, or who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, to procure a child for the purpose of adoption is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than three years, or to both. R.S.O. 1960, c. 53, s. 80.

PART V

REGULATIONS

Regulations

89. The Lieutenant Governor in Council may make regulations,

(*a*) prescribing additional duties of the Director;

(*b*) prescribing the records that shall be kept by children's aid societies and the returns that shall be made under this Act;

(*c*) requiring children's aid societies to make such returns and reports as are prescribed;

(*d*) prescribing the standard of services that children's aid societies shall provide;

(*e*) prescribing provisions to be included in the by-laws of children's aid societies;

(*f*) defining "operating costs" for the purpose of section 8;

(*g*) prescribing the manner of determining the maximum operating costs referred to in subsection 4 of section 8 that may be included in a budget;

(*h*) prescribing special needs of children for which joint facilities may be established under section 14;

(*i*) prescribing the amount that shall be paid by parents for the purposes of subsection 1 of section 26;

(*j*) governing the construction, alteration, remodelling, extension and equipment of receiving homes;

(*k*) specifying jurisdictions other than provinces or territories of Canada for the purposes of section 48;

(*l*) prescribing rules under which applications under this Act or any Part thereof are to be made, and dealing generally with all matters of procedure under this Act or any Part thereof;

(*m*) for fixing fees, costs, charges and expenses payable on proceedings under this Act or any Part thereof and for dispensing with the payment of such fees,

costs, charges and expenses where, owing to lack of means or for any other reason, the judge considers such action advisable;

(*n*) prescribing forms and providing for their use;

(*o*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act or any Part thereof. R.S.O. 1960, c. 53, s. 81, *amended*.

Transition for certain children in care when Act comes into force

90. Where a child other than the child of an unmarried mother is in the care of a children's aid society immediately before this Act comes into force and the child belongs to a municipality other than a municipality in which the society has jurisdiction, as determined by the order committing the child to such care, the municipality to which the child belongs shall pay, and the municipality in which the society has jurisdiction may recover, an amount per day for the care of the child as determined in the manner prescribed by the Lieutenant Governor in Council by regulation. *New*.

Moneys R.S.O. 1960, c. 53

91.—(1) The moneys appropriated by the Legislature for the purposes of *The Child Welfare Act* for the year ending on the 31st day of March, 1966, and unexpended when this Act comes into force shall be applied for the purposes of this Act.

Idem

(2) The moneys required for the purposes of this Act, in addition to the moneys referred to in subsection 1, shall, until the 31st day of March, 1966, be paid out of the Consolidated Revenue Fund, and thereafter the moneys required for the purposes of this Act shall be paid out of moneys appropriated therefor by the Legislature. *New*.

R.S.O. 1960, c. 53; 1961-62, c. 14; 1962-63, c. 12, repealed

92. *The Child Welfare Act*, *The Child Welfare Amendment Act, 1961-62* and *The Child Welfare Amendment Act, 1962-63* are repealed.

Commencement

93. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

94. This Act may be cited as *The Child Welfare Act, 1965*.

The Child Welfare Act, 1965

1st Reading

April 30th, 1965

2nd Reading

3rd Reading

MR. CECILE

1965

BILL 119

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The Child Welfare Act, 1965

MR. CECILE

(Reprinted as amended by the Committee on Education, Health and Welfare)

TORONTO
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Explanatory Note

The Bill revises *The Child Welfare Act*, which was last revised in 1954.

The principal changes include the following:

1. Neglected children made permanent wards become wards of the Crown to be cared for by children's aid societies.

2. The rate basis for municipal payment for the care of wards is eliminated together with the necessity to determine residence.

3. The financing of children's aid societies is put on a budget basis negotiated with municipalities by the society and subject to arbitration by a board of review.

4. The Province assumes all the cost of the care of children of unmarried mothers.

5. Preventive services are added to the functions of children's aid societies.

6. The standard of services of children's aid societies is set by regulation.

7. Representation of cities and separated towns on the boards of directors of societies is provided for.

8. Instances of mistreatment of children are required to be reported.

9. Provision is made for the creation of homes for children with special needs by more than one society jointly, and for a provincial subsidy for their construction.

BILL 119 **1965**

The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

(*a*) "approved estimate" means the estimate of expenditures of a children's aid society finally approved under sections 9 to 11;

(*b*) "children's aid society" or "society" means a children's aid society approved by the Lieutenant Governor in Council under this Act;

(*c*) "Director" means the Director of Child Welfare appointed under this Act;

(*d*) "local director" means the local director of a children's aid society appointed under this Act;

(*e*) "Minister" means the Minister of Public Welfare;

(*f*) "municipality" means a county, metropolitan municipality, city or separated town, but does not include a city or separated town in a metropolitan municipality, and in a territorial district means a city, town, village, township or improvement district;

(*g*) "prescribed" means prescribed by the regulations;

(*h*) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 53, s. 1, *amended*.

PART I

OFFICERS, SOCIETIES

2.—(1) The Lieutenant Governor in Council may appoint a person as the Director of Child Welfare. R.S.O. 1960, c. 53, s. 2 (1). Appointment of Director

Duties of Director

(2) The Director shall,

(*a*) advise and supervise children's aid societies;

(*b*) inspect or direct and supervise the inspection of the operation and records of children's aid societies;

(*c*) exercise the powers and duties of a children's aid society in any area in which no society is functioning;

(*d*) inspect or direct and supervise the inspection of any place in which a child in the care of a society is placed;

(*e*) prepare and submit an annual report to the Minister;

(*f*) keep books of account of all moneys received by him, showing the receipts and disbursements;

(*g*) perform such other duties as are prescribed by this Act or the regulations or by the Lieutenant Governor in Council. R.S.O. 1960, c. 53, s. 2 (2), *amended.*

Acting Director

(3) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such civil servant as the Minister designates. R.S.O. 1960, c. 53, s. 2 (3).

Investigation

3.—(1) The Minister may by order appoint a judge of the county court to make an investigation into any matter,

(*a*) relating to the care of a ward of a children's aid society or of the Crown; or

(*b*) for the due administration of this Act,

and the person appointed shall report the result of his investigation to the Minister.

Powers of investigation

R.S.O. 1960, c. 323

(2) For the purposes of an investigation under subsection 1, the judge has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act. New.*

Appointment of local directors

4.—(1) Every children's aid society shall appoint a local director who shall be responsible to the board of directors of the society for the administration and enforcement of this Act and the regulations in the area in which the society has jurisdiction, who shall co-operate with the Director to this end and who shall carry out such other duties as are required of him by the constitution, by-laws and directions of the society.

(2) Every local director and every person designated by the board of directors of a society has for the purposes of this Act the powers of a constable and a school attendance officer, and he shall be deemed to be an officer within the meaning of section 10 of *The Public Authorities Protection Act*, and that section and the other provisions of that Act apply to him in the same manner and to the same extent as they do to the officers mentioned in that section. R.S.O. 1960, c. 53, s. 3. Powers of local directors, etc. R.S.O. 1960, c. 318

5. The Director or a local director or any person acting under the authority of either of them may call to his aid in the performance of his duties a member of the police force responsible for policing the area in which the aid is required. R.S.O. 1960, c. 53, s. 4. Police assistance

6.—(1) Every children's aid society shall be incorporated under *The Corporations Act* or a predecessor thereof and shall be approved by the Lieutenant Governor in Council. Establishment of societies R.S.O. 1960, c. 71

(2) Every children's aid society shall be operated for the purposes of, Purposes

(*a*) investigating allegations or evidence that children may be in need of protection;

(*b*) protecting children where necessary;

(*c*) providing guidance, counselling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children;

(*d*) providing care for children assigned to its care under this or any other Act;

(*e*) supervising children assigned to its supervision under this or any other Act;

(*f*) placing children for adoption;

(*g*) assisting unmarried parents and their children; and

(*h*) any other duties given to it by this or any other Act. R.S.O. 1960, c. 53, s. 6 (1), *amended*.

(3) Every society shall provide at least the standard of services prescribed by the regulations. *New*. Standard of services

(4) The by-laws of every society shall contain such provisions as the regulations prescribe, and a certified copy of By-laws

the by-laws and any amendments thereto shall be filed with the Director forthwith after they are made, and no such by-laws or amendments shall come into operation until they have been approved by the Minister. R.S.O. 1960, c. 53, s. 6 (2).

Board of directors

7.—(1) A children's aid society shall be governed by a board of directors composed of such municipal representatives as are determined under subsections 2 to 6 and the president, one or more vice-presidents, the secretary, the treasurer and such other officers and members as are determined, elected in such manner and for such period as the by-laws of the society provide. R.S.O. 1960, c. 53, s. 7 (1), *amended*.

Municipal representatives

(2) Where a children's aid society has jurisdiction in but not outside a city, separated town or metropolitan municipality, the municipal representatives shall be not fewer than four appointed from among themselves by the council of the city, separated town or metropolitan municipality.

Idem

(3) Where a children's aid society has jurisdiction in a county but not in a city or separated town, the municipal representatives shall be not fewer than four appointed from among themselves by the council of the county.

Idem

(4) Where a children's aid society has jurisdiction in an area that includes a county or part of a county outside a city, separated town or metropolitan municipality,

(*a*) one municipal representative shall be appointed from among themselves by the council of each county, city, separated town and metropolitan municipality in the jurisdiction; and

(*b*) the council of the county, city, separated town or metropolitan municipality having the largest population as determined by the last revised assessment rolls shall appoint from among themselves such other municipal representatives as are required, so that the total number of municipal representatives on the board of directors is not fewer than four.

Idem

(5) In subsections 2 to 4, a reference to a city or separated town does not include a city or separated town in a metropolitan municipality.

Idem

(6) Where a children's aid society has jurisdiction in an area that includes a district or part of a district outside a city or metropolitan municipality, the municipal representatives shall be appointed in the manner determined under subsection 4, except that the district welfare administration board or the district child welfare budget board referred to in

section 10, as the case may be, shall appoint the representatives required by subsection 4 to be appointed by the council of a county. *New.*

Executive committee

(7) The directors shall pass a by-law providing for the election from among their number of an executive committee of nine members, consisting of the president, the treasurer, four municipal representatives and three other directors, and to delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the board. R.S.O. 1960, c. 53, s. 7 (2), *amended.*

Quorum

(8) A majority of the members of an executive committee constitutes a quorum. R.S.O. 1960, c. 53, s. 7 (3).

Interpretation

8.—(1) In this section, "population" means the population as shown by the municipal census taken in the year preceding the year for which an estimate of expenditures is made, subject to such adjustments as are prescribed by the regulations.

Estimate of expenditures

(2) Every children's aid society shall, before the 30th day of November in each year, prepare in the prescribed form and file with the Director an estimate of its expenditures for operating costs as defined by the regulations for the year next following.

Proportion referable to each municipality

(3) Where a children's aid society has jurisdiction in more than one municipality, the estimate of expenditures shall have annexed to it a statement in the prescribed form showing the proportion of the estimate of expenditures that is referable to each municipality, and the said proportion shall,

(*a*) in respect of the cost of services for children in the care of the society, be in the proportion that the number of children taken into protective care in the municipality bears to the total number of children in the care of the society;

(*b*) in respect of the cost of services other than services for children in the care of the society, be in the proportion that the population of the municipality bears to the total population of the area in the jurisdiction of the society; and

(*c*) where, by arrangement with a municipality, the standard of services provided to the municipality exceeds that provided to any other municipality in the jurisdiction of the society, include the entire cost of the excess,

determined in the manner prescribed by the regulations.

Exception

(4) Subsection 3 does not apply where a district welfare administration board has been established.

Adjustment

(5) When the actual costs of the society for any year have been determined, there shall be an adjustment between the estimated costs as submitted in the estimates and the actual costs when so determined, and such adjustment shall be either added to or deducted from the estimates for each municipality to be submitted for the following year. *New.*

Approval by council

9.—(1) Subject to section 10, the estimate of expenditures of a children's aid society shall be submitted, before the 31st day of December, to the council of each municipality in the area in which the society has jurisdiction, and, where the estimate is prepared in accordance with the prescribed standards, the municipal council shall grant its approval to the necessary expenditures.

Approval by Minister

(2) Every estimate of expenditures prepared under section 8 shall be submitted to the Minister after it is approved under subsection 1 and before the 25th day of February, and the estimate is subject to the approval of the Minister. *New.*

Interpretation

10.—(1) In this section,

1962-63, c. 37

(*a*) "district" means a district as defined in *The District Welfare Administration Boards Act, 1962-63*;

(*b*) "municipality" means a municipality as defined in *The District Welfare Administration Boards Act, 1962-63.*

District Child Welfare Budget Board

(2) The councils of every municipality in a district in which a district welfare administration board has not been established shall, on or before the 31st day of January in each year, jointly appoint five persons to be a board known as the District Child Welfare Budget Board.

Approval of estimates

(3) The estimate of expenditures of a children's aid society in a district shall be approved by the District Child Welfare Budget Board in lieu of the approval by the municipal councils otherwise required by section 9. *New.*

Child Welfare Review Board established

11.—(1) There shall be a board, to be known as the Child Welfare Review Board, composed of five members, of whom,

(*a*) one shall be appointed by the Minister of Public Welfare;

(*b*) one shall be appointed by the Minister of Municipal Affairs;

(*c*) one shall be appointed by the Treasurer of Ontario;

(*d*) one shall be appointed by the Association of Children's Aid Societies; and

(*e*) one shall be a member of the faculty of a school of social work in Ontario accredited by the Council on Social Work Education, nominated by the Miniter of Public Welfare,

and the chairman of the Board shall be appointed from among its members by the Lieutenant Governor in Council.

Functions

(2) Where the Minister, a children's aid society and the council of a municipality or a district child welfare budget board, as the case may be, do not agree on the estimate of expenditures or on the portion of the estimate that is referable to the municipality, any one of them may refer the matter to the Child Welfare Review Board.

Order

(3) The Child Welfare Review Board may, after a hearing, make an order,

(*a*) determining the amount of the estimate of expenditures necessary to implement the prescribed standards, and the estimate so determined shall be deemed to be an approved estimate;

(*b*) determining the portion of the estimate that is referable to the municipality,

and the order of the Review Board is final. *New.*

Payments by Ontario

12.—(1) Subject to subsection 3, there shall be paid out of the moneys appropriated therefor by the Legislature to each children's aid society an amount equal to,

(*a*) 40 per cent of the part of the approved estimate referable to operating costs, other than the operating costs referred to in clause *b*; and

(*b*) 100 per cent of the part of the approved estimate referable to operating costs for the care and maintenance of the children of unmarried mothers.

Payments by municipality

(2) Every municipality shall pay to the children's aid society having jurisdiction in the municipality an amount equal to 60 per cent of the portion that is referable to the municipality of the approved estimate of operating costs other than for the care and maintenance of the children of unmarried mothers.

Societies in unorganized territory

(3) There shall be paid out of moneys appropriated therefor by the Legislature to each children's aid society having jurisdiction in territory without municipal organization an amount equal to 100 per cent of the part of the approved estimate referable to operating costs in the territory without municipal organization, determined under subsection 3 of section 8 in the same manner as if the territory without municipal organization were a municipality.

Instalments

(4) Any amount payable to a children's aid society under this section in respect of an approved estimate shall be paid in twelve equal monthly instalments. *New.*

Additional aid to municipalities

(5) The Lieutenant Governor in Council may make special grants out of the moneys appropriated therefor by the Legislature to relieve, in whole or in part, any municipality that is unduly burdened in any year by reason of its liabilities under this Part. R.S.O. 1960, c. 53, s. 25.

Capital grants

13.—(1) Where, after prior approval in writing by the Minister, a municipality or a children's aid society has erected, purchased or otherwise acquired a building for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 16, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the municipality or to the society of an amount up to 25 per cent of,

(*a*) where the whole building is occupied by the society, the value of the building and the land on which it is erected; or

(*b*) where part of the building is occupied by the society, the proportion of the value of the building that the floor space occupied by the society bears to the total floor space of the building.

Idem

(2) Where, after prior approval in writing by the Minister, a society erects a new building or an addition to an existing building for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of $5,000 per bed.

(3) Where, after prior approval in writing by the Minister, a society acquires an existing building for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of $1,200 per bed. *New.* Idem

14.—(1) The council of any municipality shall pass by-laws for the levying of such amounts as are necessary for the purpose of meeting any liability imposed on the municipality under this Act and may pass by-laws for the purpose of affording to a children's aid society such other assistance as the council considers advisable. R.S.O. 1960, c. 53, s. 26, *amended.* Power to make levies

(2) A children's aid society shall be deemed to be a local board of each municipality in which it has jurisdiction for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62* and not for any other purpose. *New.* When society a local board 1961-62, c. 97

15. The Crown, represented by the Minister, may enter into an agreement with any other jurisdiction providing for the payment by Ontario of the cost of the care and maintenance in the other jurisdiction of the children of unmarried mothers who are residents of Ontario, as determined under the agreement, and for the payment by the other jurisdiction of the cost of the care and maintenance in Ontario of the children of unmarried mothers who are residents of the other jurisdiction, as determined under the agreement. *New.* Reciprocal agreements

16. Two or more children's aid societies having concurrent or contiguous jurisdictions may enter into an agreement with the approval of the Minister establishing a joint committee for the purpose of providing facilities and services for the joint use of the societies to meet such special needs of children as are prescribed by the regulations, and sections 8 to 13 apply to the joint committee, for the purposes for which it was established, in the same manner as if the joint committee were a children's aid society. *New.* Special homes and services

17. Where, in the opinion of the Lieutenant Governor in Council, a children's aid society is not able to perform its duties, the Lieutenant Governor in Council may appoint a board of directors who shall be the board of directors of the society for such period as he considers advisable. *New.* Temporary board

18. The Lieutenant Governor in Council may at any time, upon the recommendation of the Minister, dissolve a children's aid society on such date as the order provides, and upon the Dissolution of societies

dissolution of a society its property vests in the Crown to be held and disposed of in such manner as the Lieutenant Governor in Council determines. R.S.O. 1960, c. 53, s. 10, *amended*.

PART II

PROTECTION AND CARE OF NEGLECTED CHILDREN

Interpretation

19.—(1) In this Part,

(*a*) "child" means a boy or girl actually or apparently under sixteen years of age;

(*b*) "child in need of protection" means,

(i) a child who is an orphan and who is not being properly cared for, or who is brought, with the consent of the person in whose charge he is, before a judge to be dealt with under this Part,

(ii) a child who is deserted by the person in whose charge he is or that person has died or is unable to care properly for him,

(iii) a child where the person in whose charge he is cannot, by reason of disease or infirmity or misfortune or incompetence or imprisonment or any combination thereof, care properly for him,

(iv) a child who is living in an unfit or improper place,

(v) a child found associating with an unfit or improper person,

(vi) a child found begging or receiving alms in a public place,

(vii) a child who, with the consent or connivance of the person in whose charge he is, commits any act that renders him liable to a penalty under any Act of the Parliament of Canada or of the Legislature, or under any municipal by-law,

(viii) a child whose parent is unable to control him,

(ix) a child who, without sufficient cause, habitually absents himself from his home or school,

(x) a child where the person in whose charge he is neglects or refuses to provide or obtain proper

medical, surgical or other recognized remedial care or treatment necessary for his health or well-being, or refuses to permit such care or treatment to be supplied to the child when it is recommended by a duly qualified medical practitioner, or otherwise fails to protect the child adequately,

(xi) a child whose emotional or mental development is endangered because of emotional rejection or deprivation of affection by the person in whose charge he is,

(xii) a child whose life, health or morals may be endangered by the conduct of the person in whose charge he is;

(*c*) "foster home" means a home, other than the home of his parent, in which a child is placed for care and supervision but not for the purposes of adoption;

(*d*) "judge" means the judge of a juvenile and family court;

(*e*) "parent" means a person who is under a legal duty to provide for a child, or a guardian or a person standing *in loco parentis* to a child other than a person appointed for the purpose under this Act;

(*f*) "place of safety" means a receiving home or an institution for the care and protection of children;

(*g*) "public place" means a place, building or conveyance to which the public has, or is permitted to have, access;

(*h*) "receiving home" means an institution or home operated or supervised by a children's aid society for the temporary care of children.

By whom cases to be heard

(2) Applications under this Part shall be heard by the judge having jurisdiction in the place where the child was taken into protective care. R.S.O. 1960, c. 53, s. 11 (1, 2), *amended.*

Order affecting infant

(3) A judge may make an order under this Part notwithstanding the infancy of the child or his parent.

Guardian *ad litem*

(4) For the purposes of an application under this Part, where the parent of a child is under the age of twenty-one

years, the Official Guardian or any other person appointed by the judge shall be the guardian *ad litem* of the parent with the duty of safeguarding his or her interests before the court, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just. *New.*

How child in need of protection brought before judge

20. A constable or other police officer, the Director, a local director or a person authorized by the Director or by a local director may take without warrant to a place of safety any child apparently in need of protection and detain the child there until the child can be brought before a judge, or he may apply to a judge for an order requiring the person in whose charge the child is to produce the child before a judge at the time and place named in the order. R.S.O. 1960, c. 53, s. 12, *amended.*

Warrant to search for child in need of protection

21.—(1) If it appears to a justice of the peace, on information laid before him on oath,

(*a*) that there is reasonable cause to suspect that a child is in need of protection; or

(*b*) that a child has been unlawfully removed from the care or custody of a children's aid society or is being unlawfully concealed or harboured,

the justice may issue a warrant authorizing any person named therein to search for the child and to take him to and detain him in a place of safety.

Right of entry

(2) A person authorized by the warrant may enter, if need be by force, any house, building or other place specified in the warrant and may remove the child therefrom.

Name not necessary

(3) It is not necessary in an information or warrant under this section to describe the child by name. R.S.O. 1960, c. 53, s. 13, *amended.*

Child in institution

22. Where a child is in the care of an institution or home and no parent can be located, an officer of the institution or home shall notify the children's aid society and may, upon notice to the children's aid society, apply to a judge who may determine that the child is a child in need of protection under section 24. R.S.O. 1960, c. 53, s. 14, *amended.*

Detention limited

23.—(1) A child detained in a place of safety under section 20 or clause *a* of subsection 1 of section 21 shall be returned to his parent or brought before a judge within ten days of his detention.

(2) Subsection 1 does not apply to a child while he is in the care of a children's aid society or detained by the society in a place of safety with the written consent of the person in whose charge he was immediately before being placed in the care of the society or taken to and detained in a place of safety. R.S.O. 1960, c. 53, ss. 15, 16. Voluntary care or detention

24.—(1) Where a child is brought before a judge as a child apparently in need of protection, the judge shall hold a hearing and determine whether or not the child is a child in need of protection, and, if he finds that the child is a child in need of protection, he shall also determine the child's name, age and religious faith and the location where the child was taken into protection. R.S.O. 1960, c. 53, s. 17 (1), *amended*. Hearing to be held

(2) The judge has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite, and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. Witnesses

(3) The judge may hear any person on behalf of the child, the local director of the children's aid society or any person authorized by the board of directors of the society on behalf of the society, the clerk of a municipality or any person authorized by the council of the municipality on behalf of the municipality, and a regional welfare administrator of the Department of Public Welfare or any person authorized by the Minister on behalf of Ontario. R.S.O. 1960, c. 53, s. 17 (2, 3). Who may be heard

(4) The judge shall not proceed to hear or dispose of the matter until he is satisfied that the parent or other person having the actual custody of the child and the municipality in which the child was taken into protective care have had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified. Notice

(5) Where the child was taken into protective care in territory without municipal organization, the judge shall not proceed to hear or dispose of the matter until he is satisfied that the regional welfare administrator of the Department of Public Welfare for the area in which the child was taken into protective care has had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause such official to be notified. Notice

(6) The evidence of every witness capable of being sworn shall be given under oath and shall be taken down, Taking and transcribing evidence

(*a*) where the proceedings are in a juvenile and family court that has a stenographer who is a member of the staff of the court, by that stenographer; and

(*b*) where the proceedings are in a juvenile and family court that does not have a stenographer who is a member of the staff of the court, by a stenographer appointed by the judge,

and the court when requested so to do shall provide a transcript of the evidence within twenty days.

Fees

(7) Stenographers appointed under clause *b* of subsection 6, or the employers of such stenographers, shall be allowed the fees prescribed under *The Magistrates Act* for taking down and transcribing evidence, and such fees shall,

R.S.O. 1960, c. 226

(*a*) for taking down evidence, be paid by the municipality in which the child was taken into protective care or by Ontario where the child was taken into protective care in territory without municipal organization; and

(*b*) for transcribing evidence, be paid by the person or authority requesting the transcription.

Care and custody during adjournment

(8) Where a hearing is adjourned, the judge shall make such order for the temporary care and custody of the child as he thinks advisable. R.S.O. 1960, c. 53, s. 17 (4-8), *amended*.

Order where child in need of protection

25. Where the judge finds the child to be a child in need of protection, he shall make an order,

(*a*) that the case be adjourned *sine die* and that the child be placed with or returned to his parent or other person subject to supervision by the children's aid society; or

(*b*) that the child be made a ward of and committed to the care and custody of the children's aid society having jurisdiction in the area in which the child was taken into the protective care of the society for such period, not exceeding twelve months, as in the circumstances of the case he considers advisable; or

(*c*) that the child be made a ward of the Crown until the wardship is terminated under section 31 or 34 and that the child be committed to the care of the children's aid society having jurisdiction in the area in which the child was taken into the protective care of the society. R.S.O. 1960, c. 53, s. 17 (9), *amended*.

Payments by parent

26.—(1) Where a child is found to be a child in need of protection and is committed to the care of a children's aid society, the judge may order the parent to pay to the children's aid society such sum as is prescribed by the regulations, or any part thereof, for each day the child is in the care of the society. R.S.O. 1960, c. 53, s. 17 (11), *amended*.

Varying payments by parent

(2) The judge may vary or rescind the order under subsection 1 where the circumstances of the parent have changed.

Agreement to collect payments

(3) The council of a municipality may enter into an agreement with the board of directors of a children's aid society providing for the collection by the municipality on behalf of the society of the payments of the amounts required to be paid by parents under subsection 1. *New*.

Enforcement of order R.S.O. 1960, c. 105

(4) An order made against a parent under subsection 1 may be enforced in the same manner as an order made under *The Deserted Wives' and Children's Maintenance Act*. R.S.O. 1960, c. 53, s. 17 (13).

Re-opening of case adjourned *sine die*

(5) Where the judge has made an order under clause *a* of section 25, the society may at any time bring the case again before a judge for further consideration and action under this section, and the judge may terminate the order and make a further order under section 25 or take such other action under that section as he deems necessary in the interest of the welfare of the child. R.S.O. 1960, c. 53, s. 17 (14), *amended*.

Presence of child at hearing

27.—(1) Where he deems it to be in the best interest of the child, the judge may order that the presence of the child at the hearing under this Part be dispensed with. 1961-62, c. 14, s. 2, *revised*.

Proceedings at any time or on a holiday R.S.O. 1960, c. 197

(2) Notwithstanding section 126 of *The Judicature Act* and with the leave of the judge hearing an application under this Part, any step may be taken in the application, the hearing may be held and the order may be made and performed at any time of any day, including a holiday. 1962-63, c. 12, s. 2.

Access to child

28. A judge may, in any case arising under this Part, make such order as he deems proper regarding the right of access to the child by any person or by either parent of the child, having regard to the welfare of the child, the conduct of the person or parent and the wishes of the parents, and may at any time alter, vary or discharge any order so made. R.S.O. 1960, c. 53, s. 18.

Statement of facts

29. Every order made under this Part shall contain a statement of the facts upon which the decision of the judge is based. R.S.O. 1960, c. 53, s. 17 (20), *amended*.

Re-application before expiration of wardship

30. Where a child has been committed as a ward of a children's aid society, the society may at any time and shall, before the expiration of the period of wardship other than under section 34, apply to the judge for further consideration, and the judge shall thereupon further inquire and determine whether the circumstances justify a further order under section 25, but in no case shall an order be made that results in the child being a ward of the society for a continuous period of more than twenty-four months. R.S.O. 1960, c. 53, s. 17 (15); 1962-63, c. 12, s. 1, *amended*.

Application to terminate Crown wardship

31.—(1) Where a child has been committed as a ward of the Crown, the children's aid society having the care of the child may apply to a judge for an order terminating the Crown wardship, and, if the judge is satisfied that the termination is in the best interests of the child, he shall order that the Crown wardship be terminated.

Idem

R.S.O. 1960, c. 236

(2) Within twelve months after a Crown ward is admitted to an institution under *The Mental Hospitals Act*, other than an examination unit, the children's aid society responsible for the care of the child shall, upon notice to the superintendent of the mental institution, apply to a judge for an order terminating the Crown wardship, and, if the judge is satisfied that the termination of the wardship is in the best interests of the child, he shall order that the Crown wardship be terminated. 1961-62, c. 14, s. 1 (2), *amended*.

Duties re Crown wards

32.—(1) The Crown has and shall assume all the rights and responsibilities of a legal guardian of its wards for the purpose of their care, custody and control, and the powers, duties and obligations of the Crown in respect of the wards of the Crown, other than those assigned to the Director by this Act, may be exercised and discharged by the local director of the children's aid society having the care of the ward.

Control of Director

(2) The Director may direct that a Crown ward be moved to any other children's aid society or institution designated by the Director.

Permanent wards under R.S.O. 1960, c. 53

(3) Every child committed permanently to the care and custody of a children's aid society under *The Child Welfare Act*, or any predecessor thereof, and who is in the permanent care and custody of the society immediately before this Act comes into force is a ward of the Crown in the care of such society, subject otherwise to the terms of the order making the permanent commitment. *New*.

33.—(1) The local director of each children's aid society has and shall assume all the rights and responsibilities of a legal guardian of the wards of the society for the purpose of their care, custody and control. R.S.O. 1960, c. 53, s. 17 (17), *amended.* Local director to be legal guardian

(2) Every child committed temporarily to the care and custody of a children's aid society under *The Child Welfare Act*, or any predecessor thereof, and who is in the temporary care and custody of the society immediately before this Act comes into force continues to be a ward of the society, subject otherwise to the terms of the order making the temporary commitment. *New.* Temporary wards under R.S.O. 1960, c. 53

34. Every wardship terminates when the ward attains the age of eighteen years, but, upon the application of a children's aid society with the approval of the Director, a judge may order that the wardship of a Crown ward continue until the ward attains the age of twenty-one years where the ward is dependent for educational purposes or because of mental or physical incapacity. R.S.O. 1960, c. 53, s. 17 (19), *part, amended.* Termination of wardship

35. The council of a municipality may by by-law designate one or more members of the council or any employee of the municipality to authorize a children's aid society to furnish temporary care and shelter to a child where the person in charge of the child consents thereto. R.S.O. 1960, c. 53, s. 27 (1), *amended.* Temporary care on municipal authorization

36.—(1) Where a parent applies to a judge for an order for the production of a child committed under this Part and the judge is of the opinion that the parent has deserted the child or that he has otherwise so conducted himself that the child is in need of protection, the judge may in his discretion decline to make the order. R.S.O. 1960, c. 53, s. 30 (1), *amended.* Application for production of child

(2) If at the time of the application the child is being brought up by another person or has been placed by a children's aid society, the judge, if he directs the child to be given up to the parent, may order the parent to pay to such person or society the whole of the expense properly incurred in bringing up the child, or such part thereof as seems just. Judge may order compensation

(3) Where a parent, No order unless parent fit person

(*a*) has abandoned or deserted his child; or

(*b*) has allowed his child to be brought up by another person at that person's expense, or by a children's

aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

the judge shall not make an order for the delivery of the child to the parent unless the parent satisfies the judge that, having regard to the welfare of the child, he is a fit person to have the custody of the child. R.S.O. 1960, c. 53, s. 30 (2, 3).

Child's wishes to be consulted

(4) Nothing in this section affects the power of the judge to consult the wishes of the child in determining what order ought to be made or any right that the child possesses to exercise his own free choice. R.S.O. 1960, c. 53, s. 30 (5).

Appeal to county court judge

37.—(1) A decision granting or refusing an order under this Part may be appealed to the judge of the county or district court of the county or district in which the application was made, but, where the judge who made the decision is also the county or district court judge, the appeal shall be heard and disposed of by any other county or district court judge in the same county or district court district.

Appeal to Court of Appeal

(2) A decision upon an appeal under subsection 1 is subject to an appeal to the Court of Appeal.

Appeal by next friend

(3) An appeal on behalf of a child may be made at the instance of a next friend. R.S.O. 1960, c. 53, s. 29; 1961-62, c. 14, s. 3, *amended*.

Presumption as to religious faith

38.—(1) For the purposes of this section, a child shall be deemed to have the same religious faith as his father unless it is shown that an agreement has been entered into in writing, signed by his parents, that he be brought up in the same religious faith as his mother.

Child of unmarried mother

(2) For the purposes of this section, the child of an unmarried mother shall be deemed to have the religious faith of his mother. R.S.O. 1960, c. 53, s. 31 (1, 2), *amended*.

Where established faith not that of parent

(3) Where a child is being raised in a religious faith other than his religious faith as determined under subsection 1 or 2 or where his religious faith can not be readily determined under subsection 1 or 2, the judge may determine the child to have such religious faith, if any, for the purposes of this section, as he deems proper in the circumstances. *New*.

Religious faith of child

(4) A Protestant child shall not be committed under this Part to the care of a Roman Catholic children's aid society or institution and a Roman Catholic child shall not be committed under this Part to a Protestant children's aid society or institution, and a Protestant child shall not be placed in a

foster home with a Roman Catholic family and a Roman Catholic child shall not be placed in a foster home with a Protestant family, and, where a child committed under this Part is other than Protestant or Roman Catholic, he shall be placed where practicable with a family of his own religious faith, if any. R.S.O. 1960, c. 53, s. 31 (3), *amended*.

Where only one society

(5) Subsection 4 does not apply to the commitment of a child to the care of a children's aid society in a municipality in which there is only one children's aid society. R.S.O. 1960, c. 53, s. 31 (4).

Application to waive subs. 4

(6) Where a children's aid society,

(*a*) is unable to place a child in a suitable foster home within a reasonable time because of the operation of subsections 1 to 4; and

(*b*) would be able to place the child in a suitable foster home but for the operation of subsections 1 to 4,

the society or the Director may apply to a judge who may order that subsection 4 does not apply to the child in respect of the placement. *New*.

Child's wishes to be consulted

(7) Notwithstanding anything in this section, the judge may have regard to the wishes of the child in determining what order ought to be made as to his religious faith. R.S.O. 1960, c. 53, s. 31 (5).

Society may place ward

39.—(1) A ward of the Crown or of a children's aid society may be placed by the society for any period of time in a foster home or other suitable place according to the needs of the child, and every ward so placed shall receive an education in accordance with the laws of Ontario and in keeping with his intellectual capacity, and provision for his occupational training and for his total development shall be such as a good parent would make for his own child.

Removal of ward of society

(2) A ward of the Crown or of a children's aid society who has been so placed may at any time be removed by the society when, in the opinion of the Director or the local director, the welfare of the ward so requires.

Adoption of ward

(3) Where a ward of the Crown is placed in a foster home, and, in the opinion of the local director with the approval of the Director, it is in the best interest of the ward to place him in adoption, the foster parents shall not be denied the opportunity of making application to adopt the ward if they so desire. R.S.O. 1960, c. 53, s. 32, *amended*.

Interference with wards, etc.

40.—(1) No person shall,

(*a*) induce or attempt to induce a person under the age of eighteen years, who is lawfully in the care of an organization that provides care for children, to leave the premises in which he has been lawfully placed; or

(*b*) detain or harbour a person under the age of eighteen years, who is lawfully in the care and custody of an organization that provides care for children, after demand made by a person authorized to require him to be delivered up; or

(*c*) visit, write to, telephone to or otherwise interfere with a ward who is placed in a foster home or other place, or his foster parents, without the consent in writing of the children's aid society under whose supervision he is. R.S.O. 1960, c. 53, s. 33 (1), *amended*.

Offence

(2) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $500 or to imprisonment for a period of not more than one year, or to both. R.S.O. 1960, c. 53, s. 33 (2), *amended*.

Desertion of or failure to protect child

41.—(1) Any person having the care, custody, control or charge of a child who abandons, deserts or fails to support the child or inflicts unreasonable cruelty or ill-treatment upon the child not constituting an assault or otherwise fails to protect the child is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1960, c. 53, s. 34 (1), *amended*.

Leaving child unattended

(2) Any person having the care, custody, control or charge of a child under the age of ten years who leaves the child unattended for an unreasonable length of time without making reasonable provision for the supervision and safety of the child is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $100 and, for any subsequent offence, to a fine of not more than $200 or imprisonment for a term of not more than one year. R.S.O. 1960, c. 53, s. 34 (2).

Further proceedings as to child

(3) The judge may in connection with any case arising under subsection 1 or 2 hold a hearing in respect of any child concerned and may proceed as though the child had been brought before him as a child apparently in need of protection. R.S.O. 1960, c. 53, s. 34 (3), *amended*.

42.—(1) Every person having information of the abandonment, desertion, physical ill-treatment or need for protection of a child shall report the information to a children's aid society or Crown attorney. Reporting ill-treatment of child

(2) Subsection 1 applies notwithstanding that the information is confidential or privileged, and no action shall be instituted against the informant unless the giving of the information is done maliciously or without reasonable and probable cause. *New.* Privilege abolished

43.—(1) Every person who, Causing child to beg, perform, etc.

(*a*) causes or procures a child to be in any public place for the purpose of begging or receiving alms or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale or otherwise; or

(*b*) causes or procures a child to be in any public place for the purpose of singing, playing or performing for profit or offering anything for sale between 9 o'clock in the afternoon of any day and 6 o'clock in the morning of the following day; or

(*c*) subject to subsection 2, causes or procures a child to be at any time for the purpose of singing, playing or performing for profit or offering anything for sale in any circus, theatre or other place of public amusement to which the public is admitted by payment,

is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $100 or to imprisonment for a term of not more than six months, or to both.

(2) In the case of an entertainment or series of entertainments to take place in premises used for public entertainment or in a circus, theatre or other place of public amusement, where it is shown that provision has been made to ensure the health and proper treatment of a child proposed to be employed thereat, the head of the council of the municipality may, with the approval of the children's aid society, grant a licence for such time and during such hours of the day and subject to such restrictions and conditions as he thinks fit for any child who in his opinion is a fit and proper person to take part in such entertainment or series of entertainments, and the licence may at any time be varied, added to or revoked by him with the approval of the children's aid society. Licence for child to perform in public

Officer to supervise licensed child

(3) The municipal council shall assign to a person the duty of seeing that the restrictions and conditions of any licence granted under subsection 2 are duly complied with, and such person may enter, inspect and examine any place at which the employment of a child is for the time being licensed, and that duty shall be discharged by the chief constable of the municipality until some other person is appointed. R.S.O. 1960, c. 53, s. 35.

Street trades, girls under 16 and boys under 12

44.—(1) No girl under sixteen years of age and no boy under twelve years of age shall engage in or be licensed or permitted to engage in any street trade or occupation.

boys 12 to 16

(2) No boy twelve or more years of age and under sixteen years of age shall engage in any street trade or occupation between the hours of 9 o'clock in the afternoon and 6 o'clock in the morning of the following day. R.S.O. 1960, c. 53, s. 36 (1, 2).

Boy or girl under 16 loitering in public place at night

(3) No boy or girl under sixteen years of age shall loiter in any public place between the hours of 10 o'clock in the afternoon and 6 o'clock in the morning of the following day or be in any place of public resort or entertainment during such hours unless accompanied by his or her parent or an adult appointed by the parent to accompany the boy or girl.

Warning

(4) A boy or girl found contravening any provision of this section may be warned by a constable, and, if the warning is not regarded or if, after the warning, the boy or girl is again found contravening any provision of this section, the boy or girl may be taken by the constable to the home of the boy or girl or to a place of safety and dealt with as a child apparently in need of protection. R.S.O. 1960, c. 53, s. 36 (3, 4), *amended*.

Offence

(5) A parent who permits his boy or girl to contravene any provision of this section is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $25 and, for any subsequent offence, to a fine of not more than $100. R.S.O. 1960, c. 53, s. 36 (5); 1962-63, c. 12, s. 4.

Presumption as to age of child

45. Where a person is charged with an offence under this Part in respect of a child who is alleged to be under a specified age and the child appears to the judge to be under that age, the child shall for the purposes of this Part be deemed to be under that age unless the contrary is proved. R.S.O. 1960, c. 53, s. 37.

Separate place of detention

46.—(1) A child who is charged with an offence or brought before a judge under this Part shall not, before his trial or hearing, be confined in a place used for persons charged with crime.

(2) The council of every city, town, village and township shall make provision for the separate detention of every such child prior to his trial or hearing by arrangement with a person or society willing to undertake the responsibility of such detention on such terms as are agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-up and jail. Idem

(3) A child lawfully in custody shall not be placed or allowed to remain in the company of adult prisoners. R.S.O. 1960, c. 53, s. 38 (1-3), *amended*. Idem

(4) Where it appears to the judge that the interest of a child charged with an offence under section 44 will be best served thereby, the child may be dealt with by the judge in the same manner as though the child had been brought before him as a child apparently in need of protection. R.S.O. 1960, c. 53, s. 38 (6), *amended*. Alternative proceedings

47.—(1) Where a child is brought before a judge under this Part, the hearing shall be held in premises maintained specifically for the purpose or in the private office of the judge or in other suitable premises, but the hearing shall not be held in premises ordinarily used for hearings by magistrates. R.S.O. 1960, c. 53, s. 39 (1), *amended*. Place of hearing

(2) Where a child or parent is brought before a judge for trial or hearing under this Part, the judge shall exclude from the room all persons, other than the counsel and witnesses in the case, officers of the law or of a children's aid society and friends and relatives of the child or parent, and he may exclude any or all the friends and relatives as he thinks proper. R.S.O. 1960, c. 53, s. 39 (2). Exclusion of public, etc.

(3) Where a hearing is held under this Part, whether upon an application or by way of a trial or appeal, no person shall publish the name of the child or his parent concerned in the hearing by newspaper or other publication or by broadcast or any other means, except with the leave of the person holding the hearing. *New*. Information not to be published

48.—(1) Where, by an order or orders made by a court of competent jurisdiction in any other province or territory of Canada or in any other state or country that is specified in the regulations, full and lawful parental rights and responsibilities in respect of a child have been legally vested in any person, organization, province, state, country or legal representative thereof, the order or orders so made shall for all purposes in Ontario have the same force and effect as if made under this Act. Effect of order of court in other jurisdiction

Idem

(2) Where, as a requirement of the making of an order or orders of a court referred to in subsection 1, any statement, consent, declaration or similar document in writing is made by the person, organization, province, state, country or legal representative thereof in whom the full and lawful parental rights and responsibilities have been legally vested by such order or orders, such statement, consent, declaration or similar document in writing shall for all purposes in Ontario have the same force and effect as if made under this Act. 1961-62, c. 14, s. 4.

PART III

PROTECTION OF CHILDREN BORN OUT OF WEDLOCK

Interpretation

49.—(1) In this Part, "judge" means the judge of a juvenile and family court.

By whom cases to be heard

(2) Proceedings under this Part shall be heard by a judge. R.S.O. 1960, c. 53, s. 41, *amended*.

Where society not to intervene

50. Nothing in this Part requires a children's aid society to intervene in the care and maintenance of a child born out of wedlock where the child has been adopted in accordance with the laws of Ontario or where the child is being cared for voluntarily by a person whom the society considers suitable to have charge of the child. R.S.O. 1960, c. 53, s. 42, *amended*.

Agreement for maintenance of the child

51.—(1) Where a child is born out of wedlock and no agreement between the mother and the putative father with respect to the care and maintenance of the child is in force, a society and the mother of the child may enter into an agreement with the putative father of the child for the payment of money by the putative father in respect of the expenses and maintenance mentioned in subsection 1 of section 60, and, if the financial circumstances of the putative father change at any time, the terms of the agreement may be varied by the parties accordingly.

Idem

(2) Where a putative father enters into an agreement under subsection 1 in which he agrees to pay a fixed amount in respect of the maintenance mentioned in subsection 1 of section 60, the agreement shall provide for the fixed amount to be paid within twelve months from the date on which the agreement is made.

Payment of money under agreement

(3) The money payable under an agreement made under subsection 1 shall be paid in the first instance to the society that is party to the agreement.

(4) The money so paid to a society, Idem

(*a*) if it is paid in respect of the expenses mentioned in subsection 1 of section 60, shall be apportioned, if necessary, and paid over by the society in accordance with the circumstances of the case to the person or persons who incurred the expenses;

(*b*) if it is paid in periodic payments in respect of the maintenance mentioned in subsection 1 of section 60, shall be paid over by the society to the person having the care and custody of the child; or

(*c*) if it is a fixed amount paid in respect of the maintenance mentioned in subsection 1 of section 60, shall be dealt with by the society as provided in section 67. R.S.O. 1960, c. 53, s. 43 (1-4).

(5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the society, or the mother and the society together, may make an application to a judge for an order to enforce the agreement, and, where the putative father continues in default for a period of sixty days and an application for an order to enforce the agreement has not been made, the society shall within the next following period of thirty days make an application to a judge for an order to enforce the agreement. R.S.O. 1960, c. 53, s. 43 (5); 1961-62, c. 14, s. 5 (1). Default under agreement

52. Notwithstanding that an agreement has been entered into, an application may be made to a judge at any time for an affiliation order, Application for affiliation order

(*a*) by the mother of a child born out of wedlock;

(*b*) by the next friend or guardian of a child born out of wedlock;

(*c*) by a society; or

(*d*) with the approval of a society, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payments of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the maintenance of the child or the maintenance of the mother. R.S.O. 1960, c. 53, s. 44, *amended*.

Infancy of mother or putative father

53.—(1) For the purposes of an application under this Part, where the putative father or the mother is under the age of twenty-one years, the Official Guardian or any other person appointed by the judge shall be the guardian *ad litem* of the putative father or the mother, as the case may be, with the duty of safeguarding his or her interests before the court, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just. *New.*

Death of mother

(2) A society may institute or continue proceedings under this Part even though the mother has died. R.S.O. 1960, c. 53, s. 45.

When application to be made

54. No affiliation order shall be made under section 60 unless the application therefor is made in the lifetime of the putative father, and,

(*a*) within two years from the birth of the child;

(*b*) within one year after the doing of any act on the part of the putative father that affords evidence of acknowledgment of paternity; or

(*c*) within one year after the return to Ontario of the putative father where he was absent from Ontario at the expiration of the period of two years from the birth of the child. R.S.O. 1960, c. 53, s. 46, *amended*.

Powers of judge

55. In proceedings under this Part, the judge has the power of summoning any person and requiring him to give evidence on oath and to produce all documents and things as may be relevant, and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1960, c. 53, s. 47.

Proceedings to be private

56. All proceedings under this Part shall be heard by the judge in private. R.S.O. 1960, c. 53, s. 48.

Corroborative evidence required

57. No affiliation order shall be made under section 60 upon the evidence of the mother of the child unless her evidence is corroborated by some other material evidence. R.S.O. 1960, c. 53, s. 49.

Appointment for hearing; notice

58.—(1) Where an application for an affiliation order or an order to enforce an agreement is made to a judge, the judge shall appoint in writing a time and place at which the application will be heard, and notice in writing thereof shall be served personally or in such other manner as the judge directs upon the putative father at least seven days before the day so appointed. R.S.O. 1960, c. 53, s. 50 (1); 1962-63, c. 12, s. 5.

(2) Where the judge is satisfied that there is good and probable cause for believing that the putative father of the child is in fact the father of the child and that the putative father is about to quit the territorial jurisdiction of his court with the intention of avoiding service of the notice in writing referred to in subsection 1 or of evading his obligations in respect of the child and the child's mother, whether before or after an affiliation order has been made, the judge may issue a warrant for the arrest of the putative father and upon his arrest may require him to give security for such sum and in such manner and upon such condition as the judge directs, and, if the security is not given, the judge may order the putative father to be imprisoned for a period of not more than three months unless the security is sooner given or the putative father has sooner complied with the condition so imposed. R.S.O. 1960, c. 53, s. 50 (2). Arrest of putative father

59. Where the putative father who has been served with notice of the application for an affiliation order or an order to enforce an agreement fails to appear at the hearing or to show sufficient reason for not appearing, the judge in the absence of the putative father and upon sufficient evidence being adduced before him may make an order against the putative father under section 60 or he may make such other order as he considers just. R.S.O. 1960, c. 53, s. 51; 1962-63, c. 12, s. 6. Where putative father fails to appear

60.—(1) Where the putative father appears in pursuance of the notice of the application served upon him under section 58, the judge upon sufficient evidence being adduced before him may make an order declaring the putative father to be in fact the father of the child and requiring him, in accordance with the circumstances of the case, Affiliation order, where putative father appears

(*a*) to pay the reasonable expenses for the maintenance and care, medical and otherwise, of the mother of the child during her pregnancy and at the birth of the child, her burial expenses if she dies as a consequence of her pregnancy or of the birth of the child, and the burial expenses of the child if the child dies; and

(*b*) to make periodic payments or to pay a fixed amount for the maintenance of the child until the child attains the age of sixteen years or until the child is adopted under Part IV or until the child dies.

(2) A judge may in an affiliation order made under this section order the mother of the child to make periodic payments or to pay a fixed amount to assist in the maintenance Contribution by mother

of the child until the child attains the age of sixteen years or until the child is adopted under Part IV or until the child dies.

Considerations in fixing sums

(3) In estimating the amount of the periodic payments or the fixed amount for maintenance to be paid by the father under subsection 1, the judge shall fix such payments or amount as will enable the child to maintain a reasonable standard of life, having regard to what the child would have enjoyed had the child been born in lawful wedlock, but the judge shall take into consideration the ability of the father to provide such payments or amount and the ability of the mother to assist in the maintenance of the child.

When fixed sum to be paid

(4) Any fixed amount ordered to be paid under this section shall be paid within twelve months from the date of the affiliation order.

Death of child

(5) Any balance of a fixed amount paid under this section shall, if the child dies before attaining the age of sixteen years, revert to the father or mother, as the case may be, unless otherwise ordered by a judge. R.S.O. 1960, c. 53, s. 52.

Payment of money under affiliation order

61.—(1) Any money payable under an affiliation order made under section 60 shall be paid in the first instance to the judge making the order or to an official of the court designated by the judge. R.S.O. 1960, c. 53, s. 53 (1).

Idem

(2) Where the child of an unmarried mother is in the care of a children's aid society and the father is in default of payment under an affiliation order, the children's aid society shall make every effort to ensure the collection of the arrears under subsection 1 and may take any legal remedies available to the mother. *New.*

Idem

(3) Any money so paid for expenses under subsection 1 of section 60 shall be apportioned, if necessary, and paid over in accordance with the circumstances of the case to the person or persons who incurred the expenses. R.S.O. 1960, c. 53, s. 53 (2).

Idem

(4) Any money so paid as periodic payments for maintenance under subsection 1 or 2 of section 60 shall be paid over to the person having the care of the child on whose behalf the payments were made. R.S.O. 1960, c. 53, s. 53 (3), *amended.*

Idem

(5) Any money so paid as a fixed amount for maintenance under subsection 1 or 2 of section 60 shall be dealt with as provided in section 66 by the judge or the official of the court designated by the judge. R.S.O. 1960, c. 53, s. 53 (4).

Order to report to officer

62.—(1) Where the child for whose benefit the order for maintenance is made is a public charge or the judge is of the opinion that, if there is default in the order, the child is likely to be a public charge, the judge may, in the order, order any person required to make payments thereunder to report to a probation officer at such times and places as the judge deems necessary for the purpose of ensuring that such person is complying with the order. R.S.O. 1960, c. 53, s. 54 (1), *amended*.

Officer to be designated

(2) Where a judge orders a person to report to a probation officer under this section, he shall designate the officer and may by further order change the designation.

Failure to report

(3) Every person who without reasonable excuse fails to report to a probation officer when ordered so to do under this section is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than three months.

Proof of order

(4) An order made under this section certified by the judge or a certificate of a judge as to the making of an order by him is receivable in evidence as proof of the making of such order in any prosecution under this section without proof of the office or signature of the person certifying. R.S.O. 1960, c. 53, s. 54 (2-4).

Re-opening of application

63. Where an affiliation order has been made or an application for an affiliation order has been dismissed, a judge may, on the discovery of new evidence or of fraud, grant leave to re-open and may re-open and reconsider his decision. R.S.O. 1960, c. 53, s. 55, *amended*.

Variation of orders

64. Where an order for the payment of money has been made in an affiliation order under this Part, a judge may at any time vary or rescind the order for the payment of money as he sees fit, and any order so varied may be enforced in the same manner as the original order. R.S.O. 1960, c. 53, s. 56.

Appeal to county court judge

65.—(1) A decision granting or refusing an order under this Part may be appealed to the judge of the county or district court of the county or district in which the application was made, but, where the judge who made the decision is also the county or district court judge, the appeal shall be heard and disposed of by any other county or district court judge in the same county or district court district.

Appeal to Court of Appeal

(2) A decision upon an appeal under subsection 1 is subject to an appeal to the Court of Appeal. R.S.O. 1960, c. 53, s. 57, *amended*.

Order where parent an infant

66.—(1) A judge may make an order under this Part notwithstanding the infancy of either parent. *New.*

Enforcement of orders

(2) Any order made under this Part may be enforced in the same manner and by the like proceedings as,

R.S.O. 1960, c. 105

(*a*) an order made under *The Deserted Wives' and Children's Maintenance Act*;

R.S.O. 1960, c. 387

(*b*) an order made or fine imposed under *The Summary Convictions Act*; or

(*c*) a judgment of the division court, where the order has been filed with the clerk of a division court, whereupon proceedings by way of execution, garnishment proceedings or judgment summons, *inter alia*, may be used to enforce the order. R.S.O. 1960, c. 53, s. 58.

Money not immediately required

67. The portion of a fixed amount paid under an agreement made under section 51 or under an affiliation order made under section 60 that is not required immediately by the society that is a party to the agreement or by the judge who made the order, as the case may be, to pay the expenses or the maintenance mentioned in subsection 1 of section 60 shall be paid over to the Public Trustee by the judge or the society, and the money so paid over shall be invested by the Public Trustee but is subject to withdrawal of any amounts from time to time upon the written requisition of a judge or of a society. R.S.O. 1960, c. 53, s. 59.

Deceased father's estate bound

68.—(1) An agreement made under section 51 or an order for payment of money in an affiliation order made under subsection 1 of section 60 binds the estate of the putative father or the father after his death, and any moneys payable thereunder are a debt due from and chargeable upon his estate and are recoverable at the suit of the society in the case of an agreement or by the person having the care and custody of the child in the case of an order, but every such agreement or order is, as to any payment falling due before or after his death, subject to review under section 64.

Proceedings after death of father

(2) No action or other proceeding shall be taken on any such agreement or order after the death of the putative father or the father without the leave of a judge of the court in which the action or other proceeding is to be brought, and the judge before granting leave shall direct notice to be given to the widow and legitimate children of the putative father or the father and to all other persons interested in his estate.

(3) Where in any such action or other proceeding it appears to the judge that the terms of the agreement or order cannot be carried out without depriving the widow or legitimate children of the putative father or the father of necessary maintenance, the judge may, having regard to all the circumstances, vary the agreement or order to such an extent and in such manner as to make equitable provision for the widow, the legitimate children and the child or children born out of wedlock. R.S.O. 1960, c. 53, s. 60, *amended*. Widow, etc. not to be prejudiced

69. A judge has power to direct payment of the costs of any proceeding taken before him under this Part. R.S.O. 1960, c. 53, s. 61. Payment of costs

PART IV

ADOPTION

70. In this Part, "child" means a person whether under twenty-one years of age or twenty-one or more years of age. R.S.O. 1960, c. 53, s. 62, *amended*. Interpretation

71.—(1) The Supreme Court or the county or district court of the county or district in which either the applicant or the child sought to be adopted resides at the time of the application for an adoption order has jurisdiction to make the order. Jurisdiction of courts

(2) An application for an adoption order shall be heard and determined in chambers. Application to be heard in chambers

(3) Where an application for an adoption order is not heard by the court within the twelve months next following the signing of the application by the applicant, it shall not be proceeded with, but another application may be made in its stead. Stale applications

(4) For the purpose of an application for an order for the adoption of a child under twenty-one years of age, the court may appoint a person to act as guardian *ad litem* of the child upon the hearing of the application with the duty of safeguarding the interests of the child before the court, and the court may direct the applicant to pay the costs of the person so appointed. R.S.O. 1960, c. 53, s. 63. Guardian *ad litem*

72. The court may make an order for the adoption of any child resident in Ontario upon application therefor being made in the prescribed manner by a person resident in Ontario, notwithstanding the infancy of the child or its parent. R.S.O. 1960, c. 53, s. 64; 1961-62, c. 14, s. 8, *amended*. Where order may be made

Where order not to be made

73.—(1) The court shall not make an adoption order,

(*a*) where the applicant is under twenty-one years of age or, in the case of a joint application by a husband and wife, where the husband is under twenty-one years of age;

(*b*) where the applicant is a male and the child sought to be adopted is a female under twenty-one years of age; or

(*c*) where the applicant is unmarried, a widow, a widower or a divorced person,

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of the order. R.S.O. 1960, c. 53, s. 65 (1); 1962-63, c. 12, s. 7.

Adoption by more than one person

(2) Except in the case of a joint application by a husband and wife, an order shall not be made for the adoption of a child by more than one person.

Consent of adopting spouse

(3) An adoption order shall not be made upon the application of a husband or wife without the written consent of the spouse. R.S.O. 1960, c. 53, s. 65 (2, 3).

Child 21 or over or under 21 and married

(4) An order for the adoption of a child who is twenty-one or more years of age or who is under twenty-one years of age and has been married shall not be made unless the court is satisfied that the child has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption. R.S.O. 1960, c. 53, s. 65 (4), *amended*.

Consent, where child born in wedlock

74.—(1) An order for the adoption of a child under twenty-one years of age who was born in wedlock and who has not been married shall be made only with the written consent, given after the child was seven days old, of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the child, but any person who has given his consent may cancel it within twenty-one days after it was given by a document in writing to that effect. R.S.O. 1960, c. 53, s. 66 (1); 1961-62, c. 14, s. 9.

Idem, where child born out of wedlock

(2) An order for the adoption of a child under twenty-one years of age who was born out of wedlock and who has not been married shall be made only with the written consent of the mother, given after the child was seven days old, and, where the child resides with and is maintained by the father, with the written consent of the father, but the mother or

father may cancel such consent within twenty-one days after it was given by a document in writing to that effect. R.S.O. 1960, c. 53, s. 66 (2).

Idem, Crown ward

(3) An order for the adoption of a child who is a Crown ward shall be made only with the written consent of the Director, in which case no other consent is required. R.S.O. 1960, c. 53, s. 66 (3), *amended*.

Idem, child 21 or over or under 21 and married

(4) An order for the adoption of a child who is twenty-one or more years of age or who is under twenty-one years of age and has been married shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse. R.S.O. 1960, c. 53, s. 66 (4), *amended*.

Where consent not given

(5) Where a consent required by this section has not been given, the court may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with.

Where consent given

(6) Where a consent required by this section has been given, it may be withdrawn by the person giving it only if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the consent be withdrawn. R.S.O. 1960, c. 53, s. 66 (5, 6).

Affidavit of execution

75. An affidavit of execution in the prescribed form shall be attached to every consent required under this Part and to every cancellation under subsection 2 of section 74. R.S.O. 1960, c. 53, s. 67.

Director's certificate

76.—(1) An adoption order in respect of a child who is under twenty-one years of age and who has not been married shall not be made unless the Director certifies in writing,

(*a*) that the child has resided for six months or more with the applicant and that during that period the conduct of the applicant and the conditions under which the child has lived have been such as in the opinion of the Director justify the making of the order; or

(*b*) that the applicant is to the knowledge of the Director a proper person to have the care and custody of the child and that for the reasons set out in the certificate it is in the best interests of the child that the period of residence be dispensed with,

and the Director, in giving his certificate under clause *a* or *b*, may bring to the attention of the court any additional circumstances of the case that, in his opinion, the court may

wish to take into account before the making of the order. R.S.O. 1960, c. 53, s. 68 (1); 1961-62, c. 14, s. 10, *amended*.

Local director's certificate

(2) In the case of a child referred to in subsection 1 who has been placed for adoption by a children's aid society, the certificate referred to in clause *a* of that subsection is sufficient if it is signed by the local director. R.S.O. 1960, c. 53, s. 68 (2).

Duty of court

77. The court before making an adoption order shall be satisfied,

(*a*) that every person who has given a consent under this Part understands the nature and effect of the adoption order; and

(*b*) that the order will be in the best interests of the child. R.S.O. 1960, c. 53, s. 69.

Surname

78.—(1) Upon an adoption order being made and unless the adoption order provides for the adopted child to retain his surname, the adopted child shall assume the surname of the adopting parent.

Given names

(2) In an adoption order, the court may in its discretion change the Christian or given name or names as the adopting parent desires, and thereafter the adopted child is entitled to and is to be known by the name or names so given. R.S.O. 1960, c. 53, s. 70.

Born out of wedlock not to appear

79. If the adopted child was born out of wedlock, that fact shall not appear upon the adoption order. R.S.O. 1960, c. 53, s. 71.

Papers to be sealed up

80.—(1) The papers used upon an application for an adoption order shall be sealed up and filed in the office of the court by the proper officer of the court and shall not be open for inspection except upon an order of the court or the written direction of the Director. R.S.O. 1960, c. 53, s. 72.

Transmission of order

(2) Within thirty days after the making of an adoption order, the proper officer of the court shall cause to be made a sufficient number of certified copies thereof under the seal of the proper certifying authority and shall transmit,

(*a*) the original order to the adopting parent;

(*b*) one certified copy to the Director; and

(*c*) one certified copy to the Registrar General, or, where the adopted child was born outside Ontario, two certified copies to the Registrar General. R.S.O. 1960, c. 53, s. 73; 1961-62, c. 14, s. 11.

81.—(1) Upon an application for an adoption order, the court, with the written approval of the Director, may postpone the determination of the application and make an interim order giving the custody of the child sought to be adopted to the applicant for a period not exceeding one year by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the child and otherwise as the court thinks fit. Interim order

(2) An interim custody order is not an adoption order. Idem

(3) All consents required for an adoption order are necessary for an interim custody order, subject to a like power in the court to dispense with any such consent requirement. Consents

(4) Where an applicant has obtained an interim custody order and subsequently takes up residence outside Ontario, the court may nevertheless make the adoption order applied for if the Director makes the certificate mentioned in section 76. R.S.O. 1960, c. 53, s. 74. Residence outside Ontario

82. An adoption order or an interim custody order may be made in respect of a child who has previously been the subject of an adoption order, and the adopting parent under the adoption order last previously made shall, if living, be deemed to be the parent of the child for the purposes of this Part. R.S.O. 1960, c. 53, s. 75. Effect of order on previous adoption

83.—(1) For all purposes, the adopted child, upon the adoption order being made, becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child as if the adopted child had been born in lawful wedlock to the adopting parent. Status of adopted child

(2) For all purposes, the adopted child, upon the adoption order being made, ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child. R.S.O. 1960, c. 53, s. 76 (1, 2). Idem

(3) Any reference to "child", "children" or "issue" in a will or other document, whether heretofore or hereafter made, shall, unless the contrary is expressed, be deemed to include an adopted child. *New.* Reference to "child", "children" or "issue"

(4) The relationship to one another of all persons, whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the making of the adoption order and the kindred of that parent or any other person, shall be determined in accordance with subsections 1, 2 and 3. Idem

Exception

(5) Subsections 2 and 4 do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity that, but for this section, would have existed. R.S.O. 1960, c. 53, s. 76 (3, 4).

Status of persons herefore adopted

84. Every person heretofore adopted under the laws of Ontario and every person adopted under the laws of any other province or territory of Canada or under the laws of any other country shall for all purposes in Ontario be governed by this Part. R.S.O. 1960, c. 53, s. 77.

Duty of children's aid society to secure adoption

85.—(1) Every children's aid society shall endeavour to secure the adoption of Crown wards, having regard to the individual needs of each ward.

Report to Director

(2) Every children's aid society shall, within one year after a Crown ward is committed to its care, report to the Director in the prescribed form the efforts made to secure the adoption of the ward and the facts relevant to his adoption.

Idem

(3) Every children's aid society shall submit to the Director a quarterly return in the prescribed form showing, as at the end of each quarter, the adoption status of each Crown ward in its care and of applicants as adoptive parents. *New.*

Registration of placement

86.—(1) Every person, other than a children's aid society, who places a child with another person on the understanding that the other person will adopt the child shall, within thirty days after the day on which the child was so placed, register the placement with the Director in the prescribed form.

Information

(2) At the request of the Director, a children's aid society shall, within fifteen days after the receipt of the request, obtain such information respecting a placement as he requires and shall forthwith transmit the information to the Director together with its opinion as to the suitability of the placement.

Offence

(3) Every person who fails to comply with subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $100. R.S.O. 1960, c. 53, s. 79.

Penalty for payments in connection with adoptions

87. Every person who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, in consideration of the adoption of a child under this Part, or who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, to procure a child for the purpose of adoption is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than three years, or to both. R.S.O. 1960, c. 53, s. 80.

PART V

REGULATIONS

Regulations

88. The Lieutenant Governor in Council may make regulations,

(*a*) prescribing additional duties of the Director;

(*b*) prescribing the records that shall be kept by children's aid societies and the returns that shall be made under this Act;

(*c*) requiring children's aid societies to make such returns and reports as are prescribed;

(*d*) prescribing the standard of services that children's aid societies shall provide;

(*e*) prescribing provisions to be included in the by-laws of children's aid societies;

(*f*) prescribing adjustments in the determination of the population of a municipality for the purposes of section 8;

(*g*) defining "operating costs" for the purposes of section 8;

(*h*) prescribing the manner of determining the proportion of an approved estimate that is referable to each municipality in the area served by a children's aid society;

(*i*) prescribing special needs of children for which joint facilities may be established under section 14;

(*j*) prescribing the amount that shall be paid by parents for the purposes of subsection 1 of section 26;

(*k*) governing the construction, alteration, remodelling, extension and equipment of receiving homes;

(*l*) specifying jurisdictions other than provinces or territories of Canada for the purposes of section 48;

(*m*) prescribing rules under which applications under this Act or any Part thereof are to be made, and dealing generally with all matters of procedure under this Act or any Part thereof;

(*n*) for fixing fees, costs, charges and expenses payable on proceedings under this Act or any Part thereof and for dispensing with the payment of such fees, costs, charges and expenses where, owing to lack of means or for any other reason, the judge considers such action advisable;

(*o*) prescribing forms and providing for their use;

(*p*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act or any Part thereof. R.S.O. 1960, c. 53, s. 81, *amended*.

Transition for certain children in care when Act comes into force

89. Where a child other than the child of an unmarried mother is in the care of a children's aid society immediately before this Act comes into force and the child belongs to a municipality other than a municipality in which the society has jurisdiction, as determined by the order committing the child to such care, the municipality to which the child belongs shall pay, and the municipality in which the society has jurisdiction may recover, an amount per day for the care of the child as determined in the manner prescribed by the Lieutenant Governor in Council by regulation. *New*.

Moneys

R.S.O. 1960, c. 53

90.—(1) The moneys appropriated by the Legislature for the purposes of *The Child Welfare Act* for the year ending on the 31st day of March, 1966, and unexpended when this Act comes into force shall be applied for the purposes of this Act.

Idem

(2) The moneys required for the purposes of this Act, in addition to the moneys referred to in subsection 1, shall, until the 31st day of March, 1966, be paid out of the Consolidated Revenue Fund, and thereafter the moneys required for the purposes of this Act shall be paid out of moneys appropriated therefor by the Legislature. *New*.

R.S.O. 1960, c. 53; 1961-62, c. 14; 1962-63, c. 12, repealed

91. *The Child Welfare Act*, *The Child Welfare Amendment Act, 1961-62* and *The Child Welfare Amendment Act, 1962-63* are repealed.

Commencement

92. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

93. This Act may be cited as *The Child Welfare Act, 1965*.

1st Reading

April 30th, 1965

2nd Reading

May 11th, 1965

3rd Reading

MR. CECILE

(Reprinted as amended by the Committee on Education, Health and Welfare)

BILL 119

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The Child Welfare Act, 1965

MR. CECILE

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Bill revises *The Child Welfare Act*, which was last revised in 1954.

The principal changes include the following:

1. Neglected children made permanent wards become wards of the Crown to be cared for by children's aid societies.

2. The rate basis for municipal payment for the care of wards is eliminated together with the necessity to determine residence.

3. The financing of children's aid societies is put on a budget basis negotiated with municipalities by the society and subject to arbitration by a board of review.

4. The Province assumes all the cost of the care of children of unmarried mothers.

5. Preventive services are added to the functions of children's aid societies.

6. The standard of services of children's aid societies is set by regulation.

7. Representation of cities and separated towns on the boards of directors of societies is provided for.

8. Instances of mistreatment of children are required to be reported.

9. Provision is made for the creation of homes for children with special needs by more than one society jointly, and for a provincial subsidy for their construction.

BILL 119 **1965**

The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

(*a*) "approved estimate" means the estimate of expenditures of a children's aid society finally approved under sections 9 to 11;

(*b*) "children's aid society" or "society" means a children's aid society approved by the Lieutenant Governor in Council under this Act;

(*c*) "Director" means the Director of Child Welfare appointed under this Act;

(*d*) "local director" means the local director of a children's aid society appointed under this Act;

(*e*) "Minister" means the Minister of Public Welfare;

(*f*) "municipality" means a county, metropolitan municipality, city or separated town, but does not include a city or separated town in a metropolitan municipality, and in a territorial district means a city, town, village, township or improvement district;

(*g*) "prescribed" means prescribed by the regulations;

(*h*) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 53, s. 1, *amended*.

PART I

OFFICERS, SOCIETIES

2.—(1) The Lieutenant Governor in Council may appoint a person as the Director of Child Welfare. R.S.O. 1960, c. 53, s. 2 (1). Appointment of Director

Duties of Director

(2) The Director shall,

(*a*) advise and supervise children's aid societies;

(*b*) inspect or direct and supervise the inspection of the operation and records of children's aid societies;

(*c*) exercise the powers and duties of a children's aid society in any area in which no society is functioning;

(*d*) inspect or direct and supervise the inspection of any place in which a child in the care of a society is placed;

(*e*) prepare and submit an annual report to the Minister;

(*f*) keep books of account of all moneys received by him, showing the receipts and disbursements;

(*g*) perform such other duties as are prescribed by this Act or the regulations or by the Lieutenant Governor in Council. R.S.O. 1960, c. 53, s. 2 (2), *amended*.

Acting Director

(3) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such civil servant as the Minister designates. R.S.O. 1960, c. 53, s. 2 (3).

Investigation

3.—(1) The Minister may by order appoint a judge of the county court to make an investigation into any matter,

(*a*) relating to the care of a ward of a children's aid society or of the Crown; or

(*b*) for the due administration of this Act,

and the person appointed shall report the result of his investigation to the Minister.

Powers of investigation

R.S.O. 1960, c. 323

(2) For the purposes of an investigation under subsection 1, the judge has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. *New*.

Appointment of local directors

4.—(1) Every children's aid society shall appoint a local director who shall be responsible to the board of directors of the society for the administration and enforcement of this Act and the regulations in the area in which the society has jurisdiction, who shall co-operate with the Director to this end and who shall carry out such other duties as are required of him by the constitution, by-laws and directions of the society.

(2) Every local director and every person designated by the board of directors of a society has for the purposes of this Act the powers of a constable and a school attendance officer, and he shall be deemed to be an officer within the meaning of section 10 of *The Public Authorities Protection Act*, and that section and the other provisions of that Act apply to him in the same manner and to the same extent as they do to the officers mentioned in that section. R.S.O. 1960, c. 53, s. 3. Powers of local directors, etc. R.S.O. 1960, c. 318

5. The Director or a local director or any person acting under the authority of either of them may call to his aid in the performance of his duties a member of the police force responsible for policing the area in which the aid is required. R.S.O. 1960, c. 53, s. 4. Police assistance

6.—(1) Every children's aid society shall be incorporated under *The Corporations Act* or a predecessor thereof and shall be approved by the Lieutenant Governor in Council. Establishment of societies R.S.O. 1960, c. 71

(2) Every children's aid society shall be operated for the purposes of, Purposes

(*a*) investigating allegations or evidence that children may be in need of protection;

(*b*) protecting children where necessary;

(*c*) providing guidance, counselling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children;

(*d*) providing care for children assigned to its care under this or any other Act;

(*e*) supervising children assigned to its supervision under this or any other Act;

(*f*) placing children for adoption;

(*g*) assisting unmarried parents and their children; and

(*h*) any other duties given to it by this or any other Act. R.S.O. 1960, c. 53, s. 6 (1), *amended*.

(3) Every society shall provide at least the standard of services prescribed by the regulations. *New*. Standard of services

(4) The by-laws of every society shall contain such provisions as the regulations prescribe, and a certified copy of By-laws

the by-laws and any amendments thereto shall be filed with the Director forthwith after they are made, and no such by-laws or amendments shall come into operation until they have been approved by the Minister. R.S.O. 1960, c. 53, s. 6 (2).

Board of directors

7.—(1) A children's aid society shall be governed by a board of directors composed of such municipal representatives as are determined under subsections 2 to 6 and the president, one or more vice-presidents, the secretary, the treasurer and such other officers and members as are determined, elected in such manner and for such period as the by-laws of the society provide. R.S.O. 1960, c. 53, s. 7 (1), *amended*.

Municipal representatives

(2) Where a children's aid society has jurisdiction in but not outside a city, separated town or metropolitan municipality, the municipal representatives shall be not fewer than four appointed from among themselves by the council of the city, separated town or metropolitan municipality.

Idem

(3) Where a children's aid society has jurisdiction in a county but not in a city or separated town, the municipal representatives shall be not fewer than four appointed from among themselves by the council of the county.

Idem

(4) Where a children's aid society has jurisdiction in an area that includes a county or part of a county outside a city, separated town or metropolitan municipality,

(*a*) one municipal representative shall be appointed from among themselves by the council of each county, city, separated town and metropolitan municipality in the jurisdiction; and

(*b*) the council of the county, city, separated town or metropolitan municipality having the largest population as determined by the last revised assessment rolls shall appoint from among themselves such other municipal representatives as are required, so that the total number of municipal representatives on the board of directors is not fewer than four.

Idem

(5) In subsections 2 to 4, a reference to a city or separated town does not include a city or separated town in a metropolitan municipality.

Idem

(6) Where a children's aid society has jurisdiction in an area that includes a district or part of a district outside a city or metropolitan municipality, the municipal representatives shall be appointed in the manner determined under subsection 4, except that the district welfare administration board or the district child welfare budget board referred to in

section 10, as the case may be, shall appoint the representatives required by subsection 4 to be appointed by the council of a county. *New.*

Executive committee

(7) The directors shall pass a by-law providing for the election from among their number of an executive committee of nine members, consisting of the president, the treasurer, four municipal representatives and three other directors, and to delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the board. R.S.O. 1960, c. 53, s. 7 (2), *amended.*

Quorum

(8) A majority of the members of an executive committee constitutes a quorum. R.S.O. 1960, c. 53, s. 7 (3).

Interpretation

8.—(1) In this section, "population" means the population as shown by the municipal census taken in the year preceding the year for which an estimate of expenditures is made, subject to such adjustments as are prescribed by the regulations.

Estimate of expenditures

(2) Every children's aid society shall, before the 30th day of November in each year, prepare in the prescribed form and file with the Director an estimate of its expenditures for operating costs as defined by the regulations for the year next following.

Proportion referable to each municipality

(3) Where a children's aid society has jurisdiction in more than one municipality, the estimate of expenditures shall have annexed to it a statement in the prescribed form showing the proportion of the estimate of expenditures that is referable to each municipality, and the said proportion shall,

(*a*) in respect of the cost of services for children in the care of the society, be in the proportion that the number of children taken into protective care in the municipality bears to the total number of children in the care of the society;

(*b*) in respect of the cost of services other than services for children in the care of the society, be in the proportion that the population of the municipality bears to the total population of the area in the jurisdiction of the society; and

(*c*) where, by arrangement with a municipality, the standard of services provided to the municipality exceeds that provided to any other municipality in the jurisdiction of the society, include the entire cost of the excess,

determined in the manner prescribed by the regulations.

Exception

(4) Subsection 3 does not apply where a district welfare administration board has been established.

Adjustment

(5) When the actual costs of the society for any year have been determined, there shall be an adjustment between the estimated costs as submitted in the estimates and the actual costs when so determined, and such adjustment shall be either added to or deducted from the estimates for each municipality to be submitted for the following year. *New.*

Approval by council

9.—(1) Subject to section 10, the estimate of expenditures of a children's aid society shall be submitted, before the 31st day of December, to the council of each municipality in the area in which the society has jurisdiction, and, where the estimate is prepared in accordance with the prescribed standards, the municipal council shall grant its approval to the necessary expenditures.

Approval by Minister

(2) Every estimate of expenditures prepared under section 8 shall be submitted to the Minister after it is approved under subsection 1 and before the 25th day of February, and the estimate is subject to the approval of the Minister. *New.*

Interpretation

10.—(1) In this section,

1962-63, c. 37

(*a*) "district" means a district as defined in *The District Welfare Administration Boards Act, 1962-63*;

(*b*) "municipality" means a municipality as defined in *The District Welfare Administration Boards Act, 1962-63.*

District Child Welfare Budget Board

(2) The councils of every municipality in a district in which a district welfare administration board has not been established shall, on or before the 31st day of January in each year, jointly appoint five persons to be a board known as the District Child Welfare Budget Board.

Approval of estimates

(3) The estimate of expenditures of a children's aid society in a district shall be approved by the District Child Welfare Budget Board in lieu of the approval by the municipal councils otherwise required by section 9. *New.*

Child Welfare Review Board established

11.—(1) There shall be a board, to be known as the Child Welfare Review Board, composed of five members, of whom,

(*a*) one shall be appointed by the Minister of Public Welfare;

(*b*) one shall be appointed by the Minister of Municipal Affairs;

(*c*) one shall be appointed by the Treasurer of Ontario;

(*d*) one shall be appointed by the Association of Children's Aid Societies; and

(*e*) one shall be a member of the faculty of a school of social work in Ontario accredited by the Council on Social Work Education, nominated by the Miniter of Public Welfare,

and the chairman of the Board shall be appointed from among its members by the Lieutenant Governor in Council.

Functions

(2) Where the Minister, a children's aid society and the council of a municipality or a district child welfare budget board, as the case may be, do not agree on the estimate of expenditures or on the portion of the estimate that is referable to the municipality, any one of them may refer the matter to the Child Welfare Review Board.

Order

(3) The Child Welfare Review Board may, after a hearing, make an order,

(*a*) determining the amount of the estimate of expenditures necessary to implement the prescribed standards, and the estimate so determined shall be deemed to be an approved estimate;

(*b*) determining the portion of the estimate that is referable to the municipality,

and the order of the Review Board is final. *New.*

Payments by Ontario

12.—(1) Subject to subsection 3, there shall be paid out of the moneys appropriated therefor by the Legislature to each children's aid society an amount equal to,

(*a*) 40 per cent of the part of the approved estimate referable to operating costs, other than the operating costs referred to in clause *b*; and

(*b*) 100 per cent of the part of the approved estimate referable to operating costs for the care and maintenance of the children of unmarried mothers.

Payments by municipality

(2) Every municipality shall pay to the children's aid society having jurisdiction in the municipality an amount equal to 60 per cent of the portion that is referable to the municipality of the approved estimate of operating costs other than for the care and maintenance of the children of unmarried mothers.

Societies in unorganized territory

(3) There shall be paid out of moneys appropriated therefor by the Legislature to each children's aid society having jurisdiction in territory without municipal organization an amount equal to 100 per cent of the part of the approved estimate referable to operating costs in the territory without municipal organization, determined under subsection 3 of section 8 in the same manner as if the territory without municipal organization were a municipality.

Instalments

(4) Any amount payable to a children's aid society under this section in respect of an approved estimate shall be paid in twelve equal monthly instalments. *New.*

Additional aid to municipalities

(5) The Lieutenant Governor in Council may make special grants out of the moneys appropriated therefor by the Legislature to relieve, in whole or in part, any municipality that is unduly burdened in any year by reason of its liabilities under this Part. R.S.O. 1960, c. 53, s. 25.

Capital grants

13.—(1) Where, after prior approval in writing by the Minister, a municipality or a children's aid society has erected, purchased or otherwise acquired a building for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 16, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the municipality or to the society of an amount up to 25 per cent of,

(*a*) where the whole building is occupied by the society, the value of the building and the land on which it is erected; or

(*b*) where part of the building is occupied by the society, the proportion of the value of the building that the floor space occupied by the society bears to the total floor space of the building.

Idem

(2) Where, after prior approval in writing by the Minister, a society erects a new building or an addition to an existing building for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of $5,000 per bed.

(3) Where, after prior approval in writing by the Minister, a society acquires an existing building for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of $1,200 per bed. *New.* Idem

14.—(1) The council of any municipality shall pass by-laws for the levying of such amounts as are necessary for the purpose of meeting any liability imposed on the municipality under this Act and may pass by-laws for the purpose of affording to a children's aid society such other assistance as the council considers advisable. R.S.O. 1960, c. 53, s. 26, *amended.* Power to make levies

(2) A children's aid society shall be deemed to be a local board of each municipality in which it has jurisdiction for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62* and not for any other purpose. *New.* When society a local board 1961-62, c. 97

15. The Crown, represented by the Minister, may enter into an agreement with any other jurisdiction providing for the payment by Ontario of the cost of the care and maintenance in the other jurisdiction of the children of unmarried mothers who are residents of Ontario, as determined under the agreement, and for the payment by the other jurisdiction of the cost of the care and maintenance in Ontario of the children of unmarried mothers who are residents of the other jurisdiction, as determined under the agreement. *New.* Reciprocal agreements

16. Two or more children's aid societies having concurrent or contiguous jurisdictions may enter into an agreement with the approval of the Minister establishing a joint committee for the purpose of providing facilities and services for the joint use of the societies to meet such special needs of children as are prescribed by the regulations, and sections 8 to 13 apply to the joint committee, for the purposes for which it was established, in the same manner as if the joint committee were a children's aid society. *New.* Special homes and services

17. Where, in the opinion of the Lieutenant Governor in Council, a children's aid society is not able to perform its duties, the Lieutenant Governor in Council may appoint a board of directors who shall be the board of directors of the society for such period as he considers advisable. *New.* Temporary board

18. The Lieutenant Governor in Council may at any time, upon the recommendation of the Minister, dissolve a children's aid society on such date as the order provides, and upon the Dissolution of societies

dissolution of a society its property vests in the Crown to be held and disposed of in such manner as the Lieutenant Governor in Council determines. R.S.O. 1960, c. 53, s. 10, *amended*.

PART II

PROTECTION AND CARE OF NEGLECTED CHILDREN

Interpretation

19.—(1) In this Part,

(*a*) "child" means a boy or girl actually or apparently under sixteen years of age;

(*b*) "child in need of protection" means,

(i) a child who is an orphan and who is not being properly cared for, or who is brought, with the consent of the person in whose charge he is, before a judge to be dealt with under this Part,

(ii) a child who is deserted by the person in whose charge he is or that person has died or is unable to care properly for him,

(iii) a child where the person in whose charge he is cannot, by reason of disease or infirmity or misfortune or incompetence or imprisonment or any combination thereof, care properly for him,

(iv) a child who is living in an unfit or improper place,

(v) a child found associating with an unfit or improper person,

(vi) a child found begging or receiving alms in a public place,

(vii) a child who, with the consent or connivance of the person in whose charge he is, commits any act that renders him liable to a penalty under any Act of the Parliament of Canada or of the Legislature, or under any municipal by-law,

(viii) a child whose parent is unable to control him,

(ix) a child who, without sufficient cause, habitually absents himself from his home or school,

(x) a child where the person in whose charge he is neglects or refuses to provide or obtain proper

medical, surgical or other recognized remedial care or treatment necessary for his health or well-being, or refuses to permit such care or treatment to be supplied to the child when it is recommended by a duly qualified medical practitioner, or otherwise fails to protect the child adequately,

(xi) a child whose emotional or mental development is endangered because of emotional rejection or deprivation of affection by the person in whose charge he is,

(xii) a child whose life, health or morals may be endangered by the conduct of the person in whose charge he is;

(*c*) "foster home" means a home, other than the home of his parent, in which a child is placed for care and supervision but not for the purposes of adoption;

(*d*) "judge" means the judge of a juvenile and family court;

(*e*) "parent" means a person who is under a legal duty to provide for a child, or a guardian or a person standing *in loco parentis* to a child other than a person appointed for the purpose under this Act;

(*f*) "place of safety" means a receiving home or an institution for the care and protection of children;

(*g*) "public place" means a place, building or conveyance to which the public has, or is permitted to have, access;

(*h*) "receiving home" means an institution or home operated or supervised by a children's aid society for the temporary care of children.

By whom cases to be heard

(2) Applications under this Part shall be heard by the judge having jurisdiction in the place where the child was taken into protective care. R.S.O. 1960, c. 53, s. 11 (1, 2), *amended.*

Order affecting infant

(3) A judge may make an order under this Part notwithstanding the infancy of the child or his parent.

Guardian *ad litem*

(4) For the purposes of an application under this Part, where the parent of a child is under the age of twenty-one

years, the Official Guardian or any other person appointed by the judge shall be the guardian *ad litem* of the parent with the duty of safeguarding his or her interests before the court, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just. *New.*

How child in need of protection brought before judge

20. A constable or other police officer, the Director, a local director or a person authorized by the Director or by a local director may take without warrant to a place of safety any child apparently in need of protection and detain the child there until the child can be brought before a judge, or he may apply to a judge for an order requiring the person in whose charge the child is to produce the child before a judge at the time and place named in the order. R.S.O. 1960, c. 53, s. 12, *amended.*

Warrant to search for child in need of protection

21.—(1) If it appears to a justice of the peace, on information laid before him on oath,

(*a*) that there is reasonable cause to suspect that a child is in need of protection; or

(*b*) that a child has been unlawfully removed from the care or custody of a children's aid society or is being unlawfully concealed or harboured,

the justice may issue a warrant authorizing any person named therein to search for the child and to take him to and detain him in a place of safety.

Right of entry

(2) A person authorized by the warrant may enter, if need be by force, any house, building or other place specified in the warrant and may remove the child therefrom.

Name not necessary

(3) It is not necessary in an information or warrant under this section to describe the child by name. R.S.O. 1960, c. 53, s. 13, *amended.*

Child in institution

22. Where a child is in the care of an institution or home and no parent can be located, an officer of the institution or home shall notify the children's aid society and may, upon notice to the children's aid society, apply to a judge who may determine that the child is a child in need of protection under section 24. R.S.O. 1960, c. 53, s. 14, *amended.*

Detention limited

23.—(1) A child detained in a place of safety under section 20 or clause *a* of subsection 1 of section 21 shall be returned to his parent or brought before a judge within ten days of his detention.

(2) Subsection 1 does not apply to a child while he is in the care of a children's aid society or detained by the society in a place of safety with the written consent of the person in whose charge he was immediately before being placed in the care of the society or taken to and detained in a place of safety. R.S.O. 1960, c. 53, ss. 15, 16. Voluntary care or detention

24.—(1) Where a child is brought before a judge as a child apparently in need of protection, the judge shall hold a hearing and determine whether or not the child is a child in need of protection, and, if he finds that the child is a child in need of protection, he shall also determine the child's name, age and religious faith and the location where the child was taken into protection. R.S.O. 1960, c. 53, s. 17 (1), *amended*. Hearing to be held

(2) The judge has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite, and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. Witnesses

(3) The judge may hear any person on behalf of the child, the local director of the children's aid society or any person authorized by the board of directors of the society on behalf of the society, the clerk of a municipality or any person authorized by the council of the municipality on behalf of the municipality, and a regional welfare administrator of the Department of Public Welfare or any person authorized by the Minister on behalf of Ontario. R.S.O. 1960, c. 53, s. 17 (2, 3). Who may be heard

(4) The judge shall not proceed to hear or dispose of the matter until he is satisfied that the parent or other person having the actual custody of the child and the municipality in which the child was taken into protective care have had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified. Notice

(5) Where the child was taken into protective care in territory without municipal organization, the judge shall not proceed to hear or dispose of the matter until he is satisfied that the regional welfare administrator of the Department of Public Welfare for the area in which the child was taken into protective care has had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause such official to be notified. Notice

(6) The evidence of every witness capable of being sworn shall be given under oath and shall be taken down, Taking and transcribing evidence

(*a*) where the proceedings are in a juvenile and family court that has a stenographer who is a member of the staff of the court, by that stenographer; and

(*b*) where the proceedings are in a juvenile and family court that does not have a stenographer who is a member of the staff of the court, by a stenographer appointed by the judge,

and the court when requested so to do shall provide a transcript of the evidence within twenty days.

Fees

(7) Stenographers appointed under clause *b* of subsection 6, or the employers of such stenographers, shall be allowed the fees prescribed under *The Magistrates Act* for taking down and transcribing evidence, and such fees shall,

R.S.O. 1960, c. 226

(*a*) for taking down evidence, be paid by the municipality in which the child was taken into protective care or by Ontario where the child was taken into protective care in territory without municipal organization; and

(*b*) for transcribing evidence, be paid by the person or authority requesting the transcription.

Care and custody during adjournment

(8) Where a hearing is adjourned, the judge shall make such order for the temporary care and custody of the child as he thinks advisable. R.S.O. 1960, c. 53, s. 17 (4-8), *amended*.

Order where child in need of protection

25. Where the judge finds the child to be a child in need of protection, he shall make an order,

(*a*) that the case be adjourned *sine die* and that the child be placed with or returned to his parent or other person subject to supervision by the children's aid society; or

(*b*) that the child be made a ward of and committed to the care and custody of the children's aid society having jurisdiction in the area in which the child was taken into the protective care of the society for such period, not exceeding twelve months, as in the circumstances of the case he considers advisable; or

(*c*) that the child be made a ward of the Crown until the wardship is terminated under section 31 or 34 and that the child be committed to the care of the children's aid society having jurisdiction in the area in which the child was taken into the protective care of the society. R.S.O. 1960, c. 53, s. 17 (9), *amended*.

Payments by parent

26.—(1) Where a child is found to be a child in need of protection and is committed to the care of a children's aid society, the judge may order the parent to pay to the children's aid society such sum as is prescribed by the regulations, or any part thereof, for each day the child is in the care of the society. R.S.O. 1960, c. 53, s. 17 (11), *amended.*

Varying payments by parent

(2) The judge may vary or rescind the order under subsection 1 where the circumstances of the parent have changed.

Agreement to collect payments

(3) The council of a municipality may enter into an agreement with the board of directors of a children's aid society providing for the collection by the municipality on behalf of the society of the payments of the amounts required to be paid by parents under subsection 1. *New.*

Enforcement of order

R.S.O. 1960, c. 105

(4) An order made against a parent under subsection 1 may be enforced in the same manner as an order made under *The Deserted Wives' and Children's Maintenance Act.* R.S.O. 1960, c. 53, s. 17 (13).

Re-opening of case adjourned *sine die*

(5) Where the judge has made an order under clause *a* of section 25, the society may at any time bring the case again before a judge for further consideration and action under this section, and the judge may terminate the order and make a further order under section 25 or take such other action under that section as he deems necessary in the interest of the welfare of the child. R.S.O. 1960, c. 53, s. 17 (14), *amended.*

Presence of child at hearing

27.—(1) Where he deems it to be in the best interest of the child, the judge may order that the presence of the child at the hearing under this Part be dispensed with. 1961-62, c. 14, s. 2, *revised.*

Proceedings at any time or on a holiday

R.S.O. 1960, c. 197

(2) Notwithstanding section 126 of *The Judicature Act* and with the leave of the judge hearing an application under this Part, any step may be taken in the application, the hearing may be held and the order may be made and performed at any time of any day, including a holiday. 1962-63, c. 12, s. 2.

Access to child

28. A judge may, in any case arising under this Part, make such order as he deems proper regarding the right of access to the child by any person or by either parent of the child, having regard to the welfare of the child, the conduct of the person or parent and the wishes of the parents, and may at any time alter, vary or discharge any order so made. R.S.O. 1960, c. 53, s. 18.

Statement of facts

29. Every order made under this Part shall contain a statement of the facts upon which the decision of the judge is based. R.S.O. 1960, c. 53, s. 17 (20), *amended.*

Re-application before expiration of wardship

30. Where a child has been committed as a ward of a children's aid society, the society may at any time and shall, before the expiration of the period of wardship other than under section 34, apply to the judge for further consideration, and the judge shall thereupon further inquire and determine whether the circumstances justify a further order under section 25, but in no case shall an order be made that results in the child being a ward of the society for a continuous period of more than twenty-four months. R.S.O. 1960, c. 53, s. 17 (15); 1962-63, c. 12, s. 1, *amended*.

Application to terminate Crown wardship

31.—(1) Where a child has been committed as a ward of the Crown, the children's aid society having the care of the child may apply to a judge for an order terminating the Crown wardship, and, if the judge is satisfied that the termination is in the best interests of the child, he shall order that the Crown wardship be terminated.

Idem

R.S.O. 1960, c. 236

(2) Within twelve months after a Crown ward is admitted to an institution under *The Mental Hospitals Act*, other than an examination unit, the children's aid society responsible for the care of the child shall, upon notice to the superintendent of the mental institution, apply to a judge for an order terminating the Crown wardship, and, if the judge is satisfied that the termination of the wardship is in the best interests of the child, he shall order that the Crown wardship be terminated. 1961-62, c. 14, s. 1 (2), *amended*.

Duties re Crown wards

32.—(1) The Crown has and shall assume all the rights and responsibilities of a legal guardian of its wards for the purpose of their care, custody and control, and the powers, duties and obligations of the Crown in respect of the wards of the Crown, other than those assigned to the Director by this Act, may be exercised and discharged by the children's aid society having the care of the ward.

Control of Director

(2) The Director may direct that a Crown ward be moved to any other children's aid society or institution designated by the Director.

Permanent wards under R.S.O. 1960, c. 53

(3) Every child committed permanently to the care and custody of a children's aid society under *The Child Welfare Act*, or any predecessor thereof, and who is in the permanent care and custody of the society immediately before this Act comes into force is a ward of the Crown in the care of such society, subject otherwise to the terms of the order making the permanent commitment. *New*.

Local director to be legal guardian

33.—(1) Each children's aid society has and shall assume all the rights and responsibilities of a legal guardian of the wards of the society for the purpose of their care, custody and control. R.S.O. 1960, c. 53, s. 17 (17), *amended*.

(2) Every child committed temporarily to the care and custody of a children's aid society under *The Child Welfare Act*, or any predecessor thereof, and who is in the temporary care and custody of the society immediately before this Act comes into force continues to be a ward of the society, subject otherwise to the terms of the order making the temporary commitment. *New.* Temporary wards under R.S.O. 1960, c. 53

34. Every wardship terminates when the ward attains the age of eighteen years, but, upon the application of a children's aid society with the approval of the Director, a judge may order that the wardship of a Crown ward continue until the ward attains the age of twenty-one years where the ward is dependent for educational purposes or because of mental or physical incapacity. R.S.O. 1960, c. 53, s. 17 (19), *part, amended.* Termination of wardship

35.—(1) Where a parent applies to a judge for an order for the production of a child committed under this Part and the judge is of the opinion that the parent has deserted the child or that he has otherwise so conducted himself that the child is in need of protection, the judge may in his discretion decline to make the order. R.S.O. 1960, c. 53, s. 30 (1), *amended.* Application for production of child

(2) If at the time of the application the child is being brought up by another person or has been placed by a children's aid society, the judge, if he directs the child to be given up to the parent, may order the parent to pay to such person or society the whole of the expense properly incurred in bringing up the child, or such part thereof as seems just. Judge may order compensation

(3) Where a parent, No order unless parent fit person

(*a*) has abandoned or deserted his child; or

(*b*) has allowed his child to be brought up by another person at that person's expense, or by a children's aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

the judge shall not make an order for the delivery of the child to the parent unless the parent satisfies the judge that, having regard to the welfare of the child, he is a fit person to have the custody of the child. R.S.O. 1960, c. 53, s. 30 (2, 3).

(4) Nothing in this section affects the power of the judge to consult the wishes of the child in determining what order ought to be made or any right that the child possesses to exercise his own free choice. R.S.O. 1960, c. 53, s. 30 (5). Child's wishes to be consulted

Appeal to county court judge

36.—(1) A decision granting or refusing an order under this Part may be appealed to the judge of the county or district court of the county or district in which the application was made, but, where the judge who made the decision is also the county or district court judge, the appeal shall be heard and disposed of by any other county or district court judge in the same county or district court district.

Appeal to Court of Appeal

(2) A decision upon an appeal under subsection 1 is subject to an appeal to the Court of Appeal.

Appeal by next friend

(3) An appeal on behalf of a child may be made at the instance of a next friend. R.S.O. 1960, c. 53, s. 29; 1961-62, c. 14, s. 3, *amended.*

Presumption as to religious faith

37.—(1) For the purposes of this section, a child shall be deemed to have the same religious faith as his father unless it is shown that an agreement has been entered into in writing, signed by his parents, that he be brought up in the same religious faith as his mother.

Child of unmarried mother

(2) For the purposes of this section, the child of an unmarried mother shall be deemed to have the religious faith of his mother. R.S.O. 1960, c. 53, s. 31 (1, 2), *amended.*

Where established faith not that of parent

(3) Where a child is being raised in a religious faith other than his religious faith as determined under subsection 1 or 2 or where his religious faith can not be readily determined under subsection 1 or 2, the judge may determine the child to have such religious faith, if any, for the purposes of this section, as he deems proper in the circumstances. *New.*

Religious faith of child

(4) A Protestant child shall not be committed under this Part to the care of a Roman Catholic children's aid society or institution and a Roman Catholic child shall not be committed under this Part to a Protestant children's aid society or institution, and a Protestant child shall not be placed in a foster home with a Roman Catholic family and a Roman Catholic child shall not be placed in a foster home with a Protestant family, and, where a child committed under this Part is other than Protestant or Roman Catholic, he shall be placed where practicable with a family of his own religious faith, if any. R.S.O. 1960, c. 53, s. 31 (3), *amended.*

Where only one society

(5) Subsection 4 does not apply to the commitment of a child to the care of a children's aid society in a municipality in which there is only one children's aid society. R.S.O. 1960, c. 53, s. 31 (4).

(6) Where a children's aid society, Application to waive subs. 4

(*a*) is unable to place a child in a suitable foster home within a reasonable time because of the operation of subsections 1 to 4; and

(*b*) would be able to place the child in a suitable foster home but for the operation of subsections 1 to 4,

the society or the Director may apply to a judge who may order that subsection 4 does not apply to the child in respect of the placement. *New.*

(7) Notwithstanding anything in this section, the judge may have regard to the wishes of the child in determining what order ought to be made as to his religious faith. R.S.O. 1960, c. 53, s. 31 (5). Child's wishes to be consulted

38.—(1) A ward of the Crown or of a children's aid society may be placed by the society for any period of time in a foster home or other suitable place according to the needs of the child, and every ward so placed shall receive an education in accordance with the laws of Ontario and in keeping with his intellectual capacity, and provision for his occupational training and for his total development shall be such as a good parent would make for his own child. Society may place ward

(2) A ward of the Crown or of a children's aid society who has been so placed may at any time be removed by the society when, in the opinion of the Director or the local director, the welfare of the ward so requires. Removal of ward of society

(3) Where a ward of the Crown is placed in a foster home, and, in the opinion of the local director with the approval of the Director, it is in the best interest of the ward to place him in adoption, the foster parents shall not be denied the opportunity of making application to adopt the ward if they so desire. R.S.O. 1960, c. 53, s. 32, *amended.* Adoption of ward

39.—(1) No person shall, Interference with wards, etc.

(*a*) induce or attempt to induce a person under the age of eighteen years, who is lawfully in the care of an organization that provides care for children, to leave the premises in which he has been lawfully placed; or

(*b*) detain or harbour a person under the age of eighteen years, who is lawfully in the care and custody of an organization that provides care for children, after demand made by a person authorized to require him to be delivered up; or

(*c*) visit, write to, telephone to or otherwise interfere with a ward who is placed in a foster home or other place, or his foster parents, without the consent in writing of the children's aid society under whose supervision he is. R.S.O. 1960, c. 53, s. 33 (1), *amended*.

Offence

(2) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $500 or to imprisonment for a period of not more than one year, or to both. R.S.O. 1960, c. 53, s. 33 (2), *amended*.

Desertion of or failure to protect child

40.—(1) Any person having the care, custody, control or charge of a child who abandons, deserts or fails to support the child or inflicts unreasonable cruelty or ill-treatment upon the child not constituting an assault or otherwise fails to protect the child is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1960, c. 53, s. 34 (1), *amended*.

Leaving child unattended

(2) Any person having the care, custody, control or charge of a child under the age of ten years who leaves the child unattended for an unreasonable length of time without making reasonable provision for the supervision and safety of the child is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $100 and, for any subsequent offence, to a fine of not more than $200 or imprisonment for a term of not more than one year. R.S.O. 1960, c. 53, s. 34 (2).

Further proceedings as to child

(3) The judge may in connection with any case arising under subsection 1 or 2 hold a hearing in respect of any child concerned and may proceed as though the child had been brought before him as a child apparently in need of protection. R.S.O. 1960, c. 53, s. 34 (3), *amended*.

Reporting ill-treatment of child

41.—(1) Every person having information of the abandonment, desertion, physical ill-treatment or need for protection of a child shall report the information to a children's aid society or Crown attorney.

Privilege abolished

(2) Subsection 1 applies notwithstanding that the information is confidential or privileged, and no action shall be instituted against the informant unless the giving of the information is done maliciously or without reasonable and probable cause. *New*.

Causing child to beg, perform, etc.

42.—(1) Every person who,

(*a*) causes or procures a child to be in any public place for the purpose of begging or receiving alms or of

inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale or otherwise; or

(*b*) causes or procures a child to be in any public place for the purpose of singing, playing or performing for profit or offering anything for sale between 9 o'clock in the afternoon of any day and 6 o'clock in the morning of the following day; or

(*c*) subject to subsection 2, causes or procures a child to be at any time for the purpose of singing, playing or performing for profit or offering anything for sale in any circus, theatre or other place of public amusement to which the public is admitted by payment,

is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $100 or to imprisonment for a term of not more than six months, or to both.

Licence for child to perform in public

(2) In the case of an entertainment or series of entertainments to take place in premises used for public entertainment or in a circus, theatre or other place of public amusement, where it is shown that provision has been made to ensure the health and proper treatment of a child proposed to be employed thereat, the head of the council of the municipality may, with the approval of the children's aid society, grant a licence for such time and during such hours of the day and subject to such restrictions and conditions as he thinks fit for any child who in his opinion is a fit and proper person to take part in such entertainment or series of entertainments, and the licence may at any time be varied, added to or revoked by him with the approval of the children's aid society.

Officer to supervise licensed child

(3) The municipal council shall assign to a person the duty of seeing that the restrictions and conditions of any licence granted under subsection 2 are duly complied with, and such person may enter, inspect and examine any place at which the employment of a child is for the time being licensed, and that duty shall be discharged by the chief constable of the municipality until some other person is appointed. R.S.O. 1960, c. 53, s. 35.

Street trades, girls under 16 and boys under 12

43.—(1) No girl under sixteen years of age and no boy under twelve years of age shall engage in or be licensed or permitted to engage in any street trade or occupation.

boys 12 to 16

(2) No boy twelve or more years of age and under sixteen years of age shall engage in any street trade or occupation between the hours of 9 o'clock in the afternoon and 6 o'clock in the morning of the following day. R.S.O. 1960, c. 53, s. 36 (1, 2).

Boy or girl under 16 loitering in public place at night

(3) No boy or girl under sixteen years of age shall loiter in any public place between the hours of 10 o'clock in the afternoon and 6 o'clock in the morning of the following day or be in any place of public resort or entertainment during such hours unless accompanied by his or her parent or an adult appointed by the parent to accompany the boy or girl.

Warning

(4) A boy or girl found contravening any provision of this section may be warned by a constable, and, if the warning is not regarded or if, after the warning, the boy or girl is again found contravening any provision of this section, the boy or girl may be taken by the constable to the home of the boy or girl or to a place of safety and dealt with as a child apparently in need of protection. R.S.O. 1960, c. 53, s. 36 (3, 4), *amended.*

Offence

(5) A parent who permits his boy or girl to contravene any provision of this section is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $25 and, for any subsequent offence, to a fine of not more than $100. R.S.O. 1960, c. 53, s. 36 (5); 1962-63, c. 12, s. 4.

Presumption as to age of child

44. Where a person is charged with an offence under this Part in respect of a child who is alleged to be under a specified age and the child appears to the judge to be under that age, the child shall for the purposes of this Part be deemed to be under that age unless the contrary is proved. R.S.O. 1960, c. 53, s. 37.

Separate place of detention

45.—(1) A child who is charged with an offence or brought before a judge under this Part shall not, before his trial or hearing, be confined in a place used for persons charged with crime.

Idem

(2) The council of every city, town, village and township shall make provision for the separate detention of every such child prior to his trial or hearing by arrangement with a person or society willing to undertake the responsibility of such detention on such terms as are agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-up and jail.

Idem

(3) A child lawfully in custody shall not be placed or allowed to remain in the company of adult prisoners. R.S.O. 1960, c. 53, s. 38 (1-3), *amended.*

Alternative proceedings

(4) Where it appears to the judge that the interest of a child charged with an offence under section 43 will be best served thereby, the child may be dealt with by the judge in the same manner as though the child had been brought before him as a child apparently in need of protection. R.S.O. 1960, c. 53, s. 38 (6), *amended.*

Place of hearing

46.—(1) Where a child is brought before a judge under this Part, the hearing shall be held in premises maintained specifically for the purpose or in the private office of the judge or in other suitable premises, but the hearing shall not be held in premises ordinarily used for hearings by magistrates. R.S.O. 1960, c. 53, s. 39 (1), *amended*.

Exclusion of public, etc.

(2) Where a child or parent is brought before a judge for trial or hearing under this Part, the judge shall exclude from the room all persons, other than the counsel and witnesses in the case, officers of the law or of a children's aid society and friends and relatives of the child or parent, and he may exclude any or all the friends and relatives as he thinks proper. R.S.O. 1960, c. 53, s. 39 (2).

Information not to be published

(3) Where a hearing is held under this Part, whether upon an application or by way of a trial or appeal, no person shall publish the name of the child or his parent concerned in the hearing by newspaper or other publication or by broadcast or any other means, except with the leave of the person holding the hearing. *New*.

Effect of order of court in other jurisdiction

47.—(1) Where, by an order or orders made by a court of competent jurisdiction in any other province or territory of Canada or in any other state or country that is specified in the regulations, full and lawful parental rights and responsibilities in respect of a child have been legally vested in any person, organization, province, state, country or legal representative thereof, the order or orders so made shall for all purposes in Ontario have the same force and effect as if made under this Act.

Idem

(2) Where, as a requirement of the making of an order or orders of a court referred to in subsection 1, any statement, consent, declaration or similar document in writing is made by the person, organization, province, state, country or legal representative thereof in whom the full and lawful parental rights and responsibilities have been legally vested by such order or orders, such statement, consent, declaration or similar document in writing shall for all purposes in Ontario have the same force and effect as if made under this Act. 1961-62, c. 14, s. 4.

PART III

PROTECTION OF CHILDREN BORN OUT OF WEDLOCK

Interpretation

48.—(1) In this Part, "judge" means the judge of a juvenile and family court.

By whom cases to be heard

(2) Proceedings under this Part shall be heard by a judge. R.S.O. 1960, c. 53, s. 41, *amended*.

Where society not to intervene

49. Nothing in this Part requires a children's aid society to intervene in the care and maintenance of a child born out of wedlock where the child has been adopted in accordance with the laws of Ontario or where the child is being cared for voluntarily by a person whom the society considers suitable to have charge of the child. R.S.O. 1960, c. 53, s. 42, *amended*.

Agreement for maintenance of the child

50.—(1) Where a child is born out of wedlock and no agreement between the mother and the putative father with respect to the care and maintenance of the child is in force, a society and the mother of the child may enter into an agreement with the putative father of the child for the payment of money by the putative father in respect of the expenses and maintenance mentioned in subsection 1 of section 59, and, if the financial circumstances of the putative father change at any time, the terms of the agreement may be varied by the parties accordingly.

Idem

(2) Where a putative father enters into an agreement under subsection 1 in which he agrees to pay a fixed amount in respect of the maintenance mentioned in subsection 1 of section 59, the agreement shall provide for the fixed amount to be paid within twelve months from the date on which the agreement is made.

Payment of money under agreement

(3) The money payable under an agreement made under subsection 1 shall be paid in the first instance to the society that is party to the agreement.

Idem

(4) The money so paid to a society,

(*a*) if it is paid in respect of the expenses mentioned in subsection 1 of section 59, shall be apportioned, if necessary, and paid over by the society in accordance with the circumstances of the case to the person or persons who incurred the expenses;

(*b*) if it is paid in periodic payments in respect of the maintenance mentioned in subsection 1 of section 59, shall be paid over by the society to the person having the care and custody of the child; or

(*c*) if it is a fixed amount paid in respect of the maintenance mentioned in subsection 1 of section 59, shall be dealt with by the society as provided in section 66. R.S.O. 1960, c. 53, s. 43 (1-4).

Default under agreement

(5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the society, or the mother and the society together, may make an application to a judge for an order to enforce

the agreement, and, where the putative father continues in default for a period of sixty days and an application for an order to enforce the agreement has not been made, the society shall within the next following period of thirty days make an application to a judge for an order to enforce the agreement. R.S.O. 1960, c. 53, s. 43 (5); 1961-62, c. 14, s. 5 (1).

Application for affiliation order

51. Notwithstanding that an agreement has been entered into, an application may be made to a judge at any time for an affiliation order,

(*a*) by the mother of a child born out of wedlock;

(*b*) by the next friend or guardian of a child born out of wedlock;

(*c*) by a society; or

(*d*) with the approval of a society, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payments of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the maintenance of the child or the maintenance of the mother. R.S.O. 1960, c. 53, s. 44, *amended*.

Infancy of mother or putative father

52.—(1) For the purposes of an application under this Part, where the putative father or the mother is under the age of twenty-one years, the Official Guardian or any other person appointed by the judge shall be the guardian *ad litem* of the putative father or the mother, as the case may be, with the duty of safeguarding his or her interests before the court, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just. *New*.

Death of mother

(2) A society may institute or continue proceedings under this Part even though the mother has died. R.S.O. 1960, c. 53, s. 45.

When application to be made

53. No affiliation order shall be made under section 59 unless the application therefor is made in the lifetime of the putative father, and,

(*a*) within two years from the birth of the child;

(*b*) within one year after the doing of any act on the part of the putative father that affords evidence of acknowledgment of paternity; or

(*c*) within one year after the return to Ontario of the putative father where he was absent from Ontario at the expiration of the period of two years from the birth of the child. R.S.O. 1960, c. 53, s. 46, *amended*.

Powers of judge

54. In proceedings under this Part, the judge has the power of summoning any person and requiring him to give evidence on oath and to produce all documents and things as may be relevant, and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1960, c. 53, s. 47.

Proceedings to be private

55. All proceedings under this Part shall be heard by the judge in private. R.S.O. 1960, c. 53, s. 48.

Corroborative evidence required

56. No affiliation order shall be made under section 59 upon the evidence of the mother of the child unless her evidence is corroborated by some other material evidence. R.S.O. 1960, c. 53, s. 49.

Appointment for hearing; notice

57.—(1) Where an application for an affiliation order or an order to enforce an agreement is made to a judge, the judge shall appoint in writing a time and place at which the application will be heard, and notice in writing thereof shall be served personally or in such other manner as the judge directs upon the putative father at least seven days before the day so appointed. R.S.O. 1960, c. 53, s. 50 (1); 1962-63, c. 12, s. 5.

Arrest of putative father

(2) Where the judge is satisfied that there is good and probable cause for believing that the putative father of the child is in fact the father of the child and that the putative father is about to quit the territorial jurisdiction of his court with the intention of avoiding service of the notice in writing referred to in subsection 1 or of evading his obligations in respect of the child and the child's mother, whether before or after an affiliation order has been made, the judge may issue a warrant for the arrest of the putative father and upon his arrest may require him to give security for such sum and in such manner and upon such condition as the judge directs, and, if the security is not given, the judge may order the putative father to be imprisoned for a period of not more than three months unless the security is sooner given or the putative father has sooner complied with the condition so imposed. R.S.O. 1960, c. 53, s. 50 (2).

Where putative father fails to appear

58. Where the putative father who has been served with notice of the application for an affiliation order or an order to enforce an agreement fails to appear at the hearing or to

show sufficient reason for not appearing, the judge in the absence of the putative father and upon sufficient evidence being adduced before him may make an order against the putative father under section 59 or he may make such other order as he considers just. R.S.O. 1960, c. 53, s. 51; 1962-63, c. 12, s. 6.

Affiliation order, where putative father appears

59.—(1) Where the putative father appears in pursuance of the notice of the application served upon him under section 57, the judge upon sufficient evidence being adduced before him may make an order declaring the putative father to be in fact the father of the child and requiring him, in accordance with the circumstances of the case,

(*a*) to pay the reasonable expenses for the maintenance and care, medical and otherwise, of the mother of the child during her pregnancy and at the birth of the child, her burial expenses if she dies as a consequence of her pregnancy or of the birth of the child, and the burial expenses of the child if the child dies; and

(*b*) to make periodic payments or to pay a fixed amount for the maintenance of the child until the child attains the age of sixteen years or until the child is adopted under Part IV or until the child dies.

Contribution by mother

(2) A judge may in an affiliation order made under this section order the mother of the child to make periodic payments or to pay a fixed amount to assist in the maintenance of the child until the child attains the age of sixteen years or until the child is adopted under Part IV or until the child dies.

Considerations in fixing sums

(3) In estimating the amount of the periodic payments or the fixed amount for maintenance to be paid by the father under subsection 1, the judge shall fix such payments or amount as will enable the child to maintain a reasonable standard of life, having regard to what the child would have enjoyed had the child been born in lawful wedlock, but the judge shall take into consideration the ability of the father to provide such payments or amount and the ability of the mother to assist in the maintenance of the child.

When fixed sum to be paid

(4) Any fixed amount ordered to be paid under this section shall be paid within twelve months from the date of the affiliation order.

Death of child

(5) Any balance of a fixed amount paid under this section shall, if the child dies before attaining the age of sixteen years, revert to the father or mother, as the case may be, unless otherwise ordered by a judge. R.S.O. 1960, c. 53, s. 52.

Payment of money under affiliation order

60.—(1) Any money payable under an affiliation order made under section 59 shall be paid in the first instance to the judge making the order or to an official of the court designated by the judge. R.S.O. 1960, c. 53, s. 53 (1).

Idem

(2) Where the child of an unmarried mother is in the care of a children's aid society and the father is in default of payment under an affiliation order, the children's aid society shall make every effort to ensure the collection of the arrears under subsection 1 and may take any legal remedies available to the mother. *New.*

Idem

(3) Any money so paid for expenses under subsection 1 of section 59 shall be apportioned, if necessary, and paid over in accordance with the circumstances of the case to the person or persons who incurred the expenses. R.S.O. 1960, c. 53, s. 53 (2).

Idem

(4) Any money so paid as periodic payments for maintenance under subsection 1 or 2 of section 59 shall be paid over to the person having the care of the child on whose behalf the payments were made. R.S.O. 1960, c. 53, s. 53 (3), *amended.*

Idem

(5) Any money so paid as a fixed amount for maintenance under subsection 1 or 2 of section 59 shall be dealt with as provided in section 66 by the judge or the official of the court designated by the judge. R.S.O. 1960, c. 53, s. 53 (4).

Order to report to officer

61.—(1) Where the child for whose benefit the order for maintenance is made is a public charge or the judge is of the opinion that, if there is default in the order, the child is likely to be a public charge, the judge may, in the order, order any person required to make payments thereunder to report to a probation officer at such times and places as the judge deems necessary for the purpose of ensuring that such person is complying with the order. R.S.O. 1960, c. 53, s. 54 (1), *amended.*

Officer to be designated

(2) Where a judge orders a person to report to a probation officer under this section, he shall designate the officer and may by further order change the designation.

Failure to report

(3) Every person who without reasonable excuse fails to report to a probation officer when ordered so to do under this section is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than three months.

(4) An order made under this section certified by the judge or a certificate of a judge as to the making of an order by him is receivable in evidence as proof of the making of such order in any prosecution under this section without proof of the office or signature of the person certifying. R.S.O. 1960, c. 53, s. 54 (2-4). Proof of order

62. Where an affiliation order has been made or an application for an affiliation order has been dismissed, a judge may, on the discovery of new evidence or of fraud, grant leave to re-open and may re-open and reconsider his decision. R.S.O. 1960, c. 53, s. 55, *amended*. Re-opening of application

63. Where an order for the payment of money has been made in an affiliation order under this Part, a judge may at any time vary or rescind the order for the payment of money as he sees fit, and any order so varied may be enforced in the same manner as the original order. R.S.O. 1960, c. 53, s. 56. Variation of orders

64.—(1) A decision granting or refusing an order under this Part may be appealed to the judge of the county or district court of the county or district in which the application was made, but, where the judge who made the decision is also the county or district court judge, the appeal shall be heard and disposed of by any other county or district court judge in the same county or district court district. Appeal to county court judge

(2) A decision upon an appeal under subsection 1 is subject to an appeal to the Court of Appeal. R.S.O. 1960, c. 53, s. 57, *amended*. Appeal to Court of Appeal

65.—(1) A judge may make an order under this Part notwithstanding the infancy of either parent. *New*. Order where parent an infant

(2) Any order made under this Part may be enforced in the same manner and by the like proceedings as, Enforcement of orders

(*a*) an order made under *The Deserted Wives' and Children's Maintenance Act*; R.S.O. 1960, c. 105

(*b*) an order made or fine imposed under *The Summary Convictions Act*; or R.S.O. 1960, c. 387

(*c*) a judgment of the division court, where the order has been filed with the clerk of a division court, whereupon proceedings by way of execution, garnishment proceedings or judgment summons, *inter alia*, may be used to enforce the order. R.S.O. 1960, c. 53, s. 58.

Money not immediately required

66. The portion of a fixed amount paid under an agreement made under section 50 or under an affiliation order made under section 59 that is not required immediately by the society that is a party to the agreement or by the judge who made the order, as the case may be, to pay the expenses or the maintenance mentioned in subsection 1 of section 59 shall be paid over to the Public Trustee by the judge or the society, and the money so paid over shall be invested by the Public Trustee but is subject to withdrawal of any amounts from time to time upon the written requisition of a judge or of a society. R.S.O. 1960, c. 53, s. 59.

Deceased father's estate bound

67.—(1) An agreement made under section 50 or an order for payment of money in an affiliation order made under subsection 1 of section 59 binds the estate of the putative father or the father after his death, and any moneys payable thereunder are a debt due from and chargeable upon his estate and are recoverable at the suit of the society in the case of an agreement or by the person having the care and custody of the child in the case of an order, but every such agreement or order is, as to any payment falling due before or after his death, subject to review under section 63.

Proceedings after death of father

(2) No action or other proceeding shall be taken on any such agreement or order after the death of the putative father or the father without the leave of a judge of the court in which the action or other proceeding is to be brought, and the judge before granting leave shall direct notice to be given to the widow and legitimate children of the putative father or the father and to all other persons interested in his estate.

Widow, etc., not to be prejudiced

(3) Where in any such action or other proceeding it appears to the judge that the terms of the agreement or order cannot be carried out without depriving the widow or legitimate children of the putative father or the father of necessary maintenance, the judge may, having regard to all the circumstances, vary the agreement or order to such an extent and in such manner as to make equitable provision for the widow, the legitimate children and the child or children born out of wedlock. R.S.O. 1960, c. 53, s. 60, *amended*.

Payment of costs

68. A judge has power to direct payment of the costs of any proceeding taken before him under this Part. R.S.O. 1960, c. 53, s. 61.

PART IV

ADOPTION

Interpretation

69. In this Part, "child" means a person whether under twenty-one years of age or twenty-one or more years of age. R.S.O. 1960, c. 53, s. 62, *amended*.

70.—(1) The Supreme Court or the county or district court of the county or district in which either the applicant or the child sought to be adopted resides at the time of the application for an adoption order has jurisdiction to make the order. Jurisdiction of courts

(2) An application for an adoption order shall be heard and determined in chambers. Application to be heard in chambers

(3) Where an application for an adoption order is not heard by the court within the twelve months next following the signing of the application by the applicant, it shall not be proceeded with, but another application may be made in its stead. Stale applications

(4) For the purpose of an application for an order for the adoption of a child under twenty-one years of age, the court may appoint a person to act as guardian *ad litem* of the child upon the hearing of the application with the duty of safeguarding the interests of the child before the court, and the court may direct the applicant to pay the costs of the person so appointed. R.S.O. 1960, c. 53, s. 63. Guardian *ad litem*

71. The court may make an order for the adoption of any child resident in Ontario upon application therefor being made in the prescribed manner by a person resident in Ontario, notwithstanding the infancy of the child or its parent. R.S.O. 1960, c. 53, s. 64; 1961-62, c. 14, s. 8, *amended*. Where order may be made

72.—(1) The court shall not make an adoption order, Where order not to be made

(*a*) where the applicant is under twenty-one years of age or, in the case of a joint application by a husband and wife, where the husband is under twenty-one years of age;

(*b*) where the applicant is a male and the child sought to be adopted is a female under twenty-one years of age; or

(*c*) where the applicant is unmarried, a widow, a widower or a divorced person,

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of the order. R.S.O. 1960, c. 53, s. 65 (1); 1962-63, c. 12, s. 7.

(2) Except in the case of a joint application by a husband and wife, an order shall not be made for the adoption of a child by more than one person. Adoption by more than one person

Consent of adopting spouse

(3) An adoption order shall not be made upon the application of a husband or wife without the written consent of the spouse. R.S.O. 1960, c. 53, s. 65 (2, 3).

Child 21 or over or under 21 and married

(4) An order for the adoption of a child who is twenty-one or more years of age or who is under twenty-one years of age and has been married shall not be made unless the court is satisfied that the child has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption. R.S.O. 1960, c. 53, s. 65 (4), *amended*.

Consent, where child born in wedlock

73.—(1) An order for the adoption of a child under twenty-one years of age who was born in wedlock and who has not been married shall be made only with the written consent, given after the child was seven days old, of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the child, but any person who has given his consent may cancel it within twenty-one days after it was given by a document in writing to that effect. R.S.O. 1960, c. 53, s. 66 (1); 1961-62, c. 14, s. 9.

Idem, where child born out of wedlock

(2) An order for the adoption of a child under twenty-one years of age who was born out of wedlock and who has not been married shall be made only with the written consent of the mother, given after the child was seven days old, and, where the child resides with and is maintained by the father, with the written consent of the father, but the mother or father may cancel such consent within twenty-one days after it was given by a document in writing to that effect. R.S.O. 1960, c. 53, s. 66 (2).

Idem, Crown ward

(3) An order for the adoption of a child who is a Crown ward shall be made only with the written consent of the Director, in which case no other consent is required. R.S.O. 1960, c. 53, s. 66 (3), *amended*.

Idem, child 21 or over or under 21 and married

(4) An order for the adoption of a child who is twenty-one or more years of age or who is under twenty-one years of age and has been married shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse. R.S.O. 1960, c. 53, s. 66 (4), *amended*.

Where consent not given

(5) Where a consent required by this section has not been given, the court may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with.

Where consent given

(6) Where a consent required by this section has been given, it may be withdrawn by the person giving it only if, having

regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the consent be withdrawn. R.S.O. 1960, c. 53, s. 66 (5, 6).

Affidavit of execution

74. An affidavit of execution in the prescribed form shall be attached to every consent required under this Part and to every cancellation under subsection 2 of section 73. R.S.O. 1960, c. 53, s. 67.

Director's certificate

75.—(1) An adoption order in respect of a child who is under twenty-one years of age and who has not been married shall not be made unless the Director certifies in writing,

(*a*) that the child has resided for six months or more with the applicant and that during that period the conduct of the applicant and the conditions under which the child has lived have been such as in the opinion of the Director justify the making of the order; or

(*b*) that the applicant is to the knowledge of the Director a proper person to have the care and custody of the child and that for the reasons set out in the certificate it is in the best interests of the child that the period of residence be dispensed with,

and the Director, in giving his certificate under clause *a* or *b*, may bring to the attention of the court any additional circumstances of the case that, in his opinion, the court may wish to take into account before the making of the order. R.S.O. 1960, c. 53, s. 68 (1); 1961-62, c. 14, s. 10, *amended*.

Local director's certificate

(2) In the case of a child referred to in subsection 1 who has been placed for adoption by a children's aid society, the certificate referred to in clause *a* of that subsection is sufficient if it is signed by the local director. R.S.O. 1960, c. 53, s. 68 (2).

Duty of court

76. The court before making an adoption order shall be satisfied,

(*a*) that every person who has given a consen under this Part understands the nature and effect of the adoption order; and

(*b*) that the order will be in the best interests of the child. R.S.O. 1960, c. 53, s. 69.

Surname

77.—(1) Upon an adoption order being made and unless the adoption order provides for the adopted child to retain his surname, the adopted child shall assume the surname of the adopting parent.

Given names

(2) In an adoption order, the court may in its discretion change the Christian or given name or names as the adopting parent desires, and thereafter the adopted child is entitled to and is to be known by the name or names so given. R.S.O. 1960, c. 53, s. 70.

Born out of wedlock not to appear

78. If the adopted child was born out of wedlock, that fact shall not appear upon the adoption order. R.S.O. 1960, c. 53, s. 71.

Papers to be sealed up

79.—(1) The papers used upon an application for an adoption order shall be sealed up and filed in the office of the court by the proper officer of the court and shall not be open for inspection except upon an order of the court or the written direction of the Director. R.S.O. 1960, c. 53, s. 72.

Transmission of order

(2) Within thirty days after the making of an adoption order, the proper officer of the court shall cause to be made a sufficient number of certified copies thereof under the seal of the proper certifying authority and shall transmit,

(*a*) the original order to the adopting parent;

(*b*) one certified copy to the Director; and

(*c*) one certified copy to the Registrar General, or, where the adopted child was born outside Ontario, two certified copies to the Registrar General. R.S.O. 1960, c. 53, s. 73; 1961-62, c. 14, s. 11.

Interim order

80.—(1) Upon an application for an adoption order, the court, with the written approval of the Director, may postpone the determination of the application and make an interim order giving the custody of the child sought to be adopted to the applicant for a period not exceeding one year by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the child and otherwise as the court thinks fit.

Idem

(2) An interim custody order is not an adoption order.

Consents

(3) All consents required for an adoption order are necessary for an interim custody order, subject to a like power in the court to dispense with any such consent requirement.

Residence outside Ontario

(4) Where an applicant has obtained an interim custody order and subsequently takes up residence outside Ontario, the court may nevertheless make the adoption order applied for if the Director makes the certificate mentioned in section 75. R.S.O. 1960, c. 53, s. 74.

81. An adopption order or an interim custody order may be made in respect of a child who has previously been the subject of an adoption order, and the adopting parent under the adoption order last previously made shall, if living, be deemed to be the parent of the child for the purposes of this Part. R.S.O. 1960, c. 53, s. 75. Effect of order on previous adoption

82.—(1) For all purposes, the adopted child, upon the adoption order being made, becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child as if the adopted child had been born in lawful wedlock to the adopting parent. Status of adopted child

(2) For all purposes, the adopted child, upon the adoption order being made, ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child. R.S.O. 1960, c. 53, s. 76 (1, 2). Idem

(3) Any reference to "child", "children" or "issue" in a will or other document, whether heretofore or hereafter made, shall be deemed to include an adopted child. *New.* Reference to "child", "children" or "issue"

(4) The relationship to one another of all persons, whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the making of the adoption order and the kindred of that parent or any other person, shall be determined in accordance with subsections 1, 2 and 3. Idem

(5) Subsections 2 and 4 do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity that, but for this section, would have existed. R.S.O. 1960, c. 53, s. 76 (3, 4). Exception

83. Every person heretofore adopted under the laws of Ontario and every person adopted under the laws of any other province or territory of Canada or under the laws of any other country shall for all purposes in Ontario be governed by this Part. R.S.O. 1960, c. 53, s. 77. Status of persons herefore adopted

84.—(1) Every children's aid society shall endeavour to secure the adoption of Crown wards, having regard to the individual needs of each ward. Duty of children's aid society to secure adoption

(2) Every children's aid society shall, within one year after a Crown ward is committed to its care, report to the Director in the prescribed form the efforts made to secure the adoption of the ward and the facts relevant to his adoption. Report to Director

Idem

(3) Every children's aid society shall submit to the Director a quarterly return in the prescribed form showing, as at the end of each quarter, the adoption status of each Crown ward in its care and of applicants as adoptive parents. *New.*

Registration of placement

85.—(1) Every person, other than a children's aid society, who places a child with another person on the understanding that the other person will adopt the child shall, within thirty days after the day on which the child was so placed, register the placement with the Director in the prescribed form.

Information

(2) At the request of the Director, a children's aid society shall, within fifteen days after the receipt of the request, obtain such information respecting a placement as he requires and shall forthwith transmit the information to the Director together with its opinion as to the suitability of the placement.

Offence

(3) Every person who fails to comply with subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $100. R.S.O. 1960, c. 53, s. 79.

Penalty for payments in connection with adoptions

86. Every person who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, in consideration of the adoption of a child under this Part, or who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, to procure a child for the purpose of adoption is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than three years, or to both. R.S.O. 1960, c. 53, s. 80.

PART V

REGULATIONS

Regulations

87. The Lieutenant Governor in Council may make regulations,

(*a*) prescribing additional duties of the Director;

(*b*) prescribing the records that shall be kept by children's aid societies and the returns that shall be made under this Act;

(*c*) requiring children's aid societies to make such returns and reports as are prescribed;

(*d*) prescribing the standard of services that children's aid societies shall provide;

(*e*) prescribing provisions to be included in the by-laws of children's aid societies;

(*f*) prescribing adjustments in the determination of the population of a municipality for the purposes of section 8;

(*g*) defining "operating costs" for the purposes of section 8;

(*h*) prescribing the manner of determining the proportion of an approved estimate that is referable to each municipality in the area served by a children's aid society;

(*i*) prescribing special needs of children for which joint facilities may be established under section 14;

(*j*) prescribing the amount that shall be paid by parents for the purposes of subsection 1 of section 26;

(*k*) governing the construction, alteration, remodelling, extension and equipment of receiving homes;

(*l*) specifying jurisdictions other than provinces or territories of Canada for the purposes of section 47;

(*m*) prescribing rules under which applications under this Act or any Part thereof are to be made, and dealing generally with all matters of procedure under this Act or any Part thereof;

(*n*) for fixing fees, costs, charges and expenses payable on proceedings under this Act or any Part thereof and for dispensing with the payment of such fees, costs, charges and expenses where, owing to lack of means or for any other reason, the judge considers such action advisable;

(*o*) prescribing forms and providing for their use;

(*p*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act or any Part thereof. R.S.O. 1960, c. 53, s. 81, *amended*.

Transition for certain children in care when Act comes into force

88. Where a child other than the child of an unmarried mother is in the care of a children's aid society immediately before this Act comes into force and the child belongs to a municipality other than a municipality in which the society has jurisdiction, as determined by the order committing the child to such care, the municipality to which the child belongs shall pay, and the municipality in which the society has

jurisdiction may recover, an amount per day for the care of the child as determined in the manner prescribed by the Lieutenant Governor in Council by regulation. *New.*

Moneys

89. The moneys required for the purposes of this Act shall, until the 31st day of March, 1966, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. *New.*

R.S.O. 1960, c. 53; 1961-62, c. 14; 1962-63, c. 12, repealed

90. *The Child Welfare Act, The Child Welfare Amendment Act, 1961-62* and *The Child Welfare Amendment Act, 1962-63* are repealed.

Commencement

91. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

92. This Act may be cited as *The Child Welfare Act, 1965.*

1st Reading

April 30th, 1965

2nd Reading

May 11th, 1965

3rd Reading

MR. CECILE

(Reprinted as amended by the Committee of the Whole House)

BILL 119

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The Child Welfare Act, 1965

MR. CECILE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 119 **1965**

The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

(*a*) "approved estimate" means the estimate of expenditures of a children's aid society finally approved under sections 9 to 11;

(*b*) "children's aid society" or "society" means a children's aid society approved by the Lieutenant Governor in Council under this Act;

(*c*) "Director" means the Director of Child Welfare appointed under this Act;

(*d*) "local director" means the local director of a children's aid society appointed under this Act;

(*e*) "Minister" means the Minister of Public Welfare;

(*f*) "municipality" means a county, metropolitan municipality, city or separated town, but does not include a city or separated town in a metropolitan municipality, and in a territorial district means a city, town, village, township or improvement district;

(*g*) "prescribed" means prescribed by the regulations;

(*h*) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 53, s. 1, *amended*.

PART I

OFFICERS, SOCIETIES

2.—(1) The Lieutenant Governor in Council may appoint a person as the Director of Child Welfare. R.S.O. 1960, c. 53, s. 2 (1). Appointment of Director

Duties of Director

(2) The Director shall,

(*a*) advise and supervise children's aid societies;

(*b*) inspect or direct and supervise the inspection of the operation and records of children's aid societies;

(*c*) exercise the powers and duties of a children's aid society in any area in which no society is functioning;

(*d*) inspect or direct and supervise the inspection of any place in which a child in the care of a society is placed;

(*e*) prepare and submit an annual report to the Minister;

(*f*) keep books of account of all moneys received by him, showing the receipts and disbursements;

(*g*) perform such other duties as are prescribed by this Act or the regulations or by the Lieutenant Governor in Council. R.S.O. 1960, c. 53, s. 2 (2), *amended.*

Acting Director

(3) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such civil servant as the Minister designates. R.S.O. 1960, c. 53, s. 2 (3).

Investigation

3.—(1) The Minister may by order appoint a judge of the county court to make an investigation into any matter,

(*a*) relating to the care of a ward of a children's aid society or of the Crown; or

(*b*) for the due administration of this Act,

and the person appointed shall report the result of his investigation to the Minister.

Powers of investigation

R.S.O. 1960, c. 323

(2) For the purposes of an investigation under subsection 1, the judge has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act. New.*

Appointment of local directors

4.—(1) Every children's aid society shall appoint a local director who shall be responsible to the board of directors of the society for the administration and enforcement of this Act and the regulations in the area in which the society has jurisdiction, who shall co-operate with the Director to this end and who shall carry out such other duties as are required of him by the constitution, by-laws and directions of the society.

(2) Every local director and every person designated by the board of directors of a society has for the purposes of this Act the powers of a constable and a school attendance officer, and he shall be deemed to be an officer within the meaning of section 10 of *The Public Authorities Protection Act*, and that section and the other provisions of that Act apply to him in the same manner and to the same extent as they do to the officers mentioned in that section. R.S.O. 1960, c. 53, s. 3. Powers of local directors, etc. R.S.O. 1960, c. 318

5. The Director or a local director or any person acting under the authority of either of them may call to his aid in the performance of his duties a member of the police force responsible for policing the area in which the aid is required. R.S.O. 1960, c. 53, s. 4. Police assistance

6.—(1) Every children's aid society shall be incorporated under *The Corporations Act* or a predecessor thereof and shall be approved by the Lieutenant Governor in Council. Establishment of societies R.S.O. 1960, c. 71

(2) Every children's aid society shall be operated for the purposes of, Purposes

(*a*) investigating allegations or evidence that children may be in need of protection;

(*b*) protecting children where necessary;

(*c*) providing guidance, counselling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children;

(*d*) providing care for children assigned to its care under this or any other Act;

(*e*) supervising children assigned to its supervision under this or any other Act;

(*f*) placing children for adoption;

(*g*) assisting unmarried parents and their children; and

(*h*) any other duties given to it by this or any other Act. R.S.O. 1960, c. 53, s. 6 (1), *amended*.

(3) Every society shall provide at least the standard of services prescribed by the regulations. *New*. Standard of services

(4) The by-laws of every society shall contain such provisions as the regulations prescribe, and a certified copy of By-laws

the by-laws and any amendments thereto shall be filed with the Director forthwith after they are made, and no such by-laws or amendments shall come into operation until they have been approved by the Minister. R.S.O. 1960, c. 53, s. 6 (2).

Board of directors

7.—(1) A children's aid society shall be governed by a board of directors composed of such municipal representatives as are determined under subsections 2 to 6 and the president, one or more vice-presidents, the secretary, the treasurer and such other officers and members as are determined, elected in such manner and for such period as the by-laws of the society provide. R.S.O. 1960, c. 53, s. 7 (1), *amended*.

Municipal representatives

(2) Where a children's aid society has jurisdiction in but not outside a city, separated town or metropolitan municipality, the municipal representatives shall be not fewer than four appointed from among themselves by the council of the city, separated town or metropolitan municipality.

Idem

(3) Where a children's aid society has jurisdiction in a county but not in a city or separated town, the municipal representatives shall be not fewer than four appointed from among themselves by the council of the county.

Idem

(4) Where a children's aid society has jurisdiction in an area that includes a county or part of a county outside a city, separated town or metropolitan municipality,

(*a*) one municipal representative shall be appointed from among themselves by the council of each county, city, separated town and metropolitan municipality in the jurisdiction; and

(*b*) the council of the county, city, separated town or metropolitan municipality having the largest population as determined by the last revised assessment rolls shall appoint from among themselves such other municipal representatives as are required, so that the total number of municipal representatives on the board of directors is not fewer than four.

Idem

(5) In subsections 2 to 4, a reference to a city or separated town does not include a city or separated town in a metropolitan municipality.

Idem

(6) Where a children's aid society has jurisdiction in an area that includes a district or part of a district outside a city or metropolitan municipality, the municipal representatives shall be appointed in the manner determined under subsection 4, except that the district welfare administration board or the district child welfare budget board referred to in

section 10, as the case may be, shall appoint the representatives required by subsection 4 to be appointed by the council of a county. *New.*

Executive committee

(7) The directors shall pass a by-law providing for the election from among their number of an executive committee of nine members, consisting of the president, the treasurer, four municipal representatives and three other directors, and to delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the board. R.S.O. 1960, c. 53, s. 7 (2), *amended.*

Quorum

(8) A majority of the members of an executive committee constitutes a quorum. R.S.O. 1960, c. 53, s. 7 (3).

Interpretation

8.—(1) In this section, "population" means the population as shown by the municipal census taken in the year preceding the year for which an estimate of expenditures is made, subject to such adjustments as are prescribed by the regulations.

Estimate of expenditures

(2) Every children's aid society shall, before the 30th day of November in each year, prepare in the prescribed form and file with the Director an estimate of its expenditures for operating costs as defined by the regulations for the year next following.

Proportion referable to each municipality

(3) Where a children's aid society has jurisdiction in more than one municipality, the estimate of expenditures shall have annexed to it a statement in the prescribed form showing the proportion of the estimate of expenditures that is referable to each municipality, and the said proportion shall,

(*a*) in respect of the cost of services for children in the care of the society, be in the proportion that the number of children taken into protective care in the municipality bears to the total number of children in the care of the society;

(*b*) in respect of the cost of services other than services for children in the care of the society, be in the proportion that the population of the municipality bears to the total population of the area in the jurisdiction of the society; and

(*c*) where, by arrangement with a municipality, the standard of services provided to the municipality exceeds that provided to any other municipality in the jurisdiction of the society, include the entire cost of the excess,

determined in the manner prescribed by the regulations.

Exception

(4) Subsection 3 does not apply where a district welfare administration board has been established.

Adjustment

(5) When the actual costs of the society for any year have been determined, there shall be an adjustment between the estimated costs as submitted in the estimates and the actual costs when so determined, and such adjustment shall be either added to or deducted from the estimates for each municipality to be submitted for the following year. *New.*

Approval by council

9.—(1) Subject to section 10, the estimate of expenditures of a children's aid society shall be submitted, before the 31st day of December, to the council of each municipality in the area in which the society has jurisdiction, and, where the estimate is prepared in accordance with the prescribed standards, the municipal council shall grant its approval to the necessary expenditures.

Approval by Minister

(2) Every estimate of expenditures prepared under section 8 shall be submitted to the Minister after it is approved under subsection 1 and before the 25th day of February, and the estimate is subject to the approval of the Minister. *New.*

Interpretation

10.—(1) In this section,

1962-63, c. 37

(*a*) "district" means a district as defined in *The District Welfare Administration Boards Act, 1962-63*;

(*b*) "municipality" means a municipality as defined in *The District Welfare Administration Boards Act, 1962-63.*

District Child Welfare Budget Board

(2) The councils of every municipality in a district in which a district welfare administration board has not been established shall, on or before the 31st day of January in each year, jointly appoint five persons to be a board known as the District Child Welfare Budget Board.

Approval of estimates

(3) The estimate of expenditures of a children's aid society in a district shall be approved by the District Child Welfare Budget Board in lieu of the approval by the municipal councils otherwise required by section 9. *New.*

Child Welfare Review Board established

11.—(1) There shall be a board, to be known as the Child Welfare Review Board, composed of five members, of whom,

(*a*) one shall be appointed by the Minister of Public Welfare;

(*b*) one shall be appointed by the Minister of Municipal Affairs;

(*c*) one shall be appointed by the Treasurer of Ontario;

(*d*) one shall be appointed by the Association of Children's Aid Societies; and

(*e*) one shall be a member of the faculty of a school of social work in Ontario accredited by the Council on Social Work Education, nominated by the Miniter of Public Welfare,

and the chairman of the Board shall be appointed from among its members by the Lieutenant Governor in Council.

Functions

(2) Where the Minister, a children's aid society and the council of a municipality or a district child welfare budget board, as the case may be, do not agree on the estimate of expenditures or on the portion of the estimate that is referable to the municipality, any one of them may refer the matter to the Child Welfare Review Board.

Order

(3) The Child Welfare Review Board may, after a hearing, make an order,

(*a*) determining the amount of the estimate of expenditures necessary to implement the prescribed standards, and the estimate so determined shall be deemed to be an approved estimate;

(*b*) determining the portion of the estimate that is referable to the municipality,

and the order of the Review Board is final. *New.*

Payments by Ontario

12.—(1) Subject to subsection 3, there shall be paid out of the moneys appropriated therefor by the Legislature to each children's aid society an amount equal to,

(*a*) 40 per cent of the part of the approved estimate referable to operating costs, other than the operating costs referred to in clause *b*; and

(*b*) 100 per cent of the part of the approved estimate referable to operating costs for the care and maintenance of the children of unmarried mothers.

Payments by municipality

(2) Every municipality shall pay to the children's aid society having jurisdiction in the municipality an amount equal to 60 per cent of the portion that is referable to the municipality of the approved estimate of operating costs other than for the care and maintenance of the children of unmarried mothers.

Societies in unorganized territory

(3) There shall be paid out of moneys appropriated therefor by the Legislature to each children's aid society having jurisdiction in territory without municipal organization an amount equal to 100 per cent of the part of the approved estimate referable to operating costs in the territory without municipal organization, determined under subsection 3 of section 8 in the same manner as if the territory without municipal organization were a municipality.

Instalments

(4) Any amount payable to a children's aid society under this section in respect of an approved estimate shall be paid in twelve equal monthly instalments. *New.*

Additional aid to municipalities

(5) The Lieutenant Governor in Council may make special grants out of the moneys appropriated therefor by the Legislature to relieve, in whole or in part, any municipality that is unduly burdened in any year by reason of its liabilities under this Part. R.S.O. 1960, c. 53, s. 25.

Capital grants

13.—(1) Where, after prior approval in writing by the Minister, a municipality or a children's aid society has erected, purchased or otherwise acquired a building for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 16, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the municipality or to the society of an amount up to 25 per cent of,

(*a*) where the whole building is occupied by the society, the value of the building and the land on which it is erected; or

(*b*) where part of the building is occupied by the society, the proportion of the value of the building that the floor space occupied by the society bears to the total floor space of the building.

Idem

(2) Where, after prior approval in writing by the Minister, a society erects a new building or an addition to an existing building for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of $5,000 per bed.

(3) Where, after prior approval in writing by the Minister, a society acquires an existing building for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of $1,200 per bed. *New.* Idem

14.—(1) The council of any municipality shall pass by-laws for the levying of such amounts as are necessary for the purpose of meeting any liability imposed on the municipality under this Act and may pass by-laws for the purpose of affording to a children's aid society such other assistance as the council considers advisable. R.S.O. 1960, c. 53, s. 26, *amended.* Power to make levies

(2) A children's aid society shall be deemed to be a local board of each municipality in which it has jurisdiction for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62* and not for any other purpose. *New.* When society a local board 1961-62, c. 97

15. The Crown, represented by the Minister, may enter into an agreement with any other jurisdiction providing for the payment by Ontario of the cost of the care and maintenance in the other jurisdiction of the children of unmarried mothers who are residents of Ontario, as determined under the agreement, and for the payment by the other jurisdiction of the cost of the care and maintenance in Ontario of the children of unmarried mothers who are residents of the other jurisdiction, as determined under the agreement. *New.* Reciprocal agreements

16. Two or more children's aid societies having concurrent or contiguous jurisdictions may enter into an agreement with the approval of the Minister establishing a joint committee for the purpose of providing facilities and services for the joint use of the societies to meet such special needs of children as are prescribed by the regulations, and sections 8 to 13 apply to the joint committee, for the purposes for which it was established, in the same manner as if the joint committee were a children's aid society. *New.* Special homes and services

17. Where, in the opinion of the Lieutenant Governor in Council, a children's aid society is not able to perform its duties, the Lieutenant Governor in Council may appoint a board of directors who shall be the board of directors of the society for such period as he considers advisable. *New.* Temporary board

18. The Lieutenant Governor in Council may at any time, upon the recommendation of the Minister, dissolve a children's aid society on such date as the order provides, and upon the Dissolution of societies

dissolution of a society its property vests in the Crown to be held and disposed of in such manner as the Lieutenant Governor in Council determines. R.S.O. 1960, c. 53, s. 10, *amended*.

PART II

PROTECTION AND CARE OF NEGLECTED CHILDREN

Interpretation

19.—(1) In this Part,

(*a*) "child" means a boy or girl actually or apparently under sixteen years of age;

(*b*) "child in need of protection" means,

(i) a child who is an orphan and who is not being properly cared for, or who is brought, with the consent of the person in whose charge he is, before a judge to be dealt with under this Part,

(ii) a child who is deserted by the person in whose charge he is or that person has died or is unable to care properly for him,

(iii) a child where the person in whose charge he is cannot, by reason of disease or infirmity or misfortune or incompetence or imprisonment or any combination thereof, care properly for him,

(iv) a child who is living in an unfit or improper place,

(v) a child found associating with an unfit or improper person,

(vi) a child found begging or receiving alms in a public place,

(vii) a child who, with the consent or connivance of the person in whose charge he is, commits any act that renders him liable to a penalty under any Act of the Parliament of Canada or of the Legislature, or under any municipal by-law,

(viii) a child whose parent is unable to control him,

(ix) a child who, without sufficient cause, habitually absents himself from his home or school,

(x) a child where the person in whose charge he is neglects or refuses to provide or obtain proper

medical, surgical or other recognized remedial care or treatment necessary for his health or well-being, or refuses to permit such care or treatment to be supplied to the child when it is recommended by a duly qualified medical practitioner, or otherwise fails to protect the child adequately,

(xi) a child whose emotional or mental development is endangered because of emotional rejection or deprivation of affection by the person in whose charge he is,

(xii) a child whose life, health or morals may be endangered by the conduct of the person in whose charge he is;

(*c*) "foster home" means a home, other than the home of his parent, in which a child is placed for care and supervision but not for the purposes of adoption;

(*d*) "judge" means the judge of a juvenile and family court;

(*e*) "parent" means a person who is under a legal duty to provide for a child, or a guardian or a person standing *in loco parentis* to a child other than a person appointed for the purpose under this Act;

(*f*) "place of safety" means a receiving home or an institution for the care and protection of children;

(*g*) "public place" means a place, building or conveyance to which the public has, or is permitted to have, access;

(*h*) "receiving home" means an institution or home operated or supervised by a children's aid society for the temporary care of children.

By whom cases to be heard

(2) Applications under this Part shall be heard by the judge having jurisdiction in the place where the child was taken into protective care. R.S.O. 1960, c. 53, s. 11 (1, 2), *amended*.

Order affecting infant

(3) A judge may make an order under this Part notwithstanding the infancy of the child or his parent.

Guardian *ad litem*

(4) For the purposes of an application under this Part, where the parent of a child is under the age of twenty-one

years, the Official Guardian or any other person appointed by the judge shall be the guardian *ad litem* of the parent with the duty of safeguarding his or her interests before the court, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just. *New.*

How child in need of protection brought before judge

20. A constable or other police officer, the Director, a local director or a person authorized by the Director or by a local director may take without warrant to a place of safety any child apparently in need of protection and detain the child there until the child can be brought before a judge, or he may apply to a judge for an order requiring the person in whose charge the child is to produce the child before a judge at the time and place named in the order. R.S.O. 1960, c. 53, s. 12, *amended.*

Warrant to search for child in need of protection

21.—(1) If it appears to a justice of the peace, on information laid before him on oath,

(*a*) that there is reasonable cause to suspect that a child is in need of protection; or

(*b*) that a child has been unlawfully removed from the care or custody of a children's aid society or is being unlawfully concealed or harboured,

the justice may issue a warrant authorizing any person named therein to search for the child and to take him to and detain him in a place of safety.

Right of entry

(2) A person authorized by the warrant may enter, if need be by force, any house, building or other place specified in the warrant and may remove the child therefrom.

Name not necessary

(3) It is not necessary in an information or warrant under this section to describe the child by name. R.S.O. 1960, c. 53, s. 13, *amended.*

Child in institution

22. Where a child is in the care of an institution or home and no parent can be located, an officer of the institution or home shall notify the children's aid society and may, upon notice to the children's aid society, apply to a judge who may determine that the child is a child in need of protection under section 24. R.S.O. 1960, c. 53, s. 14, *amended.*

Detention limited

23.—(1) A child detained in a place of safety under section 20 or clause *a* of subsection 1 of section 21 shall be returned to his parent or brought before a judge within ten days of his detention.

(2) Subsection 1 does not apply to a child while he is in the care of a children's aid society or detained by the society in a place of safety with the written consent of the person in whose charge he was immediately before being placed in the care of the society or taken to and detained in a place of safety. R.S.O. 1960, c. 53, ss. 15, 16. Voluntary care or detention

24.—(1) Where a child is brought before a judge as a child apparently in need of protection, the judge shall hold a hearing and determine whether or not the child is a child in need of protection, and, if he finds that the child is a child in need of protection, he shall also determine the child's name, age and religious faith and the location where the child was taken into protection. R.S.O. 1960, c. 53, s. 17 (1), *amended.* Hearing to be held

(2) The judge has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite, and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. Witnesses

(3) The judge may hear any person on behalf of the child, the local director of the children's aid society or any person authorized by the board of directors of the society on behalf of the society, the clerk of a municipality or any person authorized by the council of the municipality on behalf of the municipality, and a regional welfare administrator of the Department of Public Welfare or any person authorized by the Minister on behalf of Ontario. R.S.O. 1960, c. 53, s. 17 (2, 3). Who may be heard

(4) The judge shall not proceed to hear or dispose of the matter until he is satisfied that the parent or other person having the actual custody of the child and the municipality in which the child was taken into protective care have had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified. Notice

(5) Where the child was taken into protective care in territory without municipal organization, the judge shall not proceed to hear or dispose of the matter until he is satisfied that the regional welfare administrator of the Department of Public Welfare for the area in which the child was taken into protective care has had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause such official to be notified. Notice

(6) The evidence of every witness capable of being sworn shall be given under oath and shall be taken down, Taking and transcribing evidence

(*a*) where the proceedings are in a juvenile and family court that has a stenographer who is a member of the staff of the court, by that stenographer; and

(*b*) where the proceedings are in a juvenile and family court that does not have a stenographer who is a member of the staff of the court, by a stenographer appointed by the judge,

and the court when requested so to do shall provide a transcript of the evidence within twenty days.

Fees

R.S.O. 1960, c. 226

(7) Stenographers appointed under clause *b* of subsection 6, or the employers of such stenographers, shall be allowed the fees prescribed under *The Magistrates Act* for taking down and transcribing evidence, and such fees shall,

(*a*) for taking down evidence, be paid by the municipality in which the child was taken into protective care or by Ontario where the child was taken into protective care in territory without municipal organization; and

(*b*) for transcribing evidence, be paid by the person or authority requesting the transcription.

Care and custody during adjournment

(8) Where a hearing is adjourned, the judge shall make such order for the temporary care and custody of the child as he thinks advisable. R.S.O. 1960, c. 53, s. 17 (4-8), *amended*.

Order where child in need of protection

25. Where the judge finds the child to be a child in need of protection, he shall make an order,

(*a*) that the case be adjourned *sine die* and that the child be placed with or returned to his parent or other person subject to supervision by the children's aid society; or

(*b*) that the child be made a ward of and committed to the care and custody of the children's aid society having jurisdiction in the area in which the child was taken into the protective care of the society for such period, not exceeding twelve months, as in the circumstances of the case he considers advisable; or

(*c*) that the child be made a ward of the Crown until the wardship is terminated under section 31 or 34 and that the child be committed to the care of the children's aid society having jurisdiction in the area in which the child was taken into the protective care of the society. R.S.O. 1960, c. 53, s. 17 (9), *amended*.

Payments by parent

26.—(1) Where a child is found to be a child in need of protection and is committed to the care of a children's aid society, the judge may order the parent to pay to the children's aid society such sum as is prescribed by the regulations, or any part thereof, for each day the child is in the care of the society. R.S.O. 1960, c. 53, s. 17 (11), *amended*.

Varying payments by parent

(2) The judge may vary or rescind the order under subsection 1 where the circumstances of the parent have changed.

Agreement to collect payments

(3) The council of a municipality may enter into an agreement with the board of directors of a children's aid society providing for the collection by the municipality on behalf of the society of the payments of the amounts required to be paid by parents under subsection 1. *New*.

Enforcement of order R.S.O. 1960 c. 105

(4) An order made against a parent under subsection 1 may be enforced in the same manner as an order made under *The Deserted Wives' and Children's Maintenance Act*. R.S.O. 1960, c. 53, s. 17 (13).

Re-opening of case adjourned *sine die*

(5) Where the judge has made an order under clause *a* of section 25, the society may at any time bring the case again before a judge for further consideration and action under this section, and the judge may terminate the order and make a further order under section 25 or take such other action under that section as he deems necessary in the interest of the welfare of the child. R.S.O. 1960, c. 53, s. 17 (14), *amended*.

Presence of child at hearing

27.—(1) Where he deems it to be in the best interest of the child, the judge may order that the presence of the child at the hearing under this Part be dispensed with. 1961-62, c. 14, s. 2, *revised*.

Proceedings at any time or on a holiday R.S.O. 1960, c. 197

(2) Notwithstanding section 126 of *The Judicature Act* and with the leave of the judge hearing an application under this Part, any step may be taken in the application, the hearing may be held and the order may be made and performed at any time of any day, including a holiday. 1962-63, c. 12, s. 2.

Access to child

28. A judge may, in any case arising under this Part, make such order as he deems proper regarding the right of access to the child by any person or by either parent of the child, having regard to the welfare of the child, the conduct of the person or parent and the wishes of the parents, and may at any time alter, vary or discharge any order so made. R.S.O. 1960, c. 53, s. 18.

Statement of facts

29. Every order made under this Part shall contain a statement of the facts upon which the decision of the judge is based. R.S.O. 1960, c. 53, s. 17 (20), *amended*.

Re-application before expiration of wardship

30. Where a child has been committed as a ward of a children's aid society, the society may at any time and shall, before the expiration of the period of wardship other than under section 34, apply to the judge for further consideration, and the judge shall thereupon further inquire and determine whether the circumstances justify a further order under section 25, but in no case shall an order be made that results in the child being a ward of the society for a continuous period of more than twenty-four months. R.S.O. 1960, c. 53, s. 17 (15); 1962-63, c. 12, s. 1, *amended.*

Application to terminate Crown wardship

31.—(1) Where a child has been committed as a ward of the Crown, the children's aid society having the care of the child may apply to a judge for an order terminating the Crown wardship, and, if the judge is satisfied that the termination is in the best interests of the child, he shall order that the Crown wardship be terminated.

Idem

R.S.O. 1960, c. 236

(2) Within twelve months after a Crown ward is admitted to an institution under *The Mental Hospitals Act*, other than an examination unit, the children's aid society responsible for the care of the child shall, upon notice to the superintendent of the mental institution, apply to a judge for an order terminating the Crown wardship, and, if the judge is satisfied that the termination of the wardship is in the best interests of the child, he shall order that the Crown wardship be terminated. 1961-62, c. 14, s. 1 (2), *amended.*

Duties re Crown wards

32.—(1) The Crown has and shall assume all the rights and responsibilities of a legal guardian of its wards for the purpose of their care, custody and control, and the powers, duties and obligations of the Crown in respect of the wards of the Crown, other than those assigned to the Director by this Act, may be exercised and discharged by the children's aid society having the care of the ward.

Control of Director

(2) The Director may direct that a Crown ward be moved to any other children's aid society or institution designated by the Director.

Permanent wards under R.S.O. 1960, c. 53

(3) Every child committed permanently to the care and custody of a children's aid society under *The Child Welfare Act*, or any predecessor thereof, and who is in the permanent care and custody of the society immediately before this Act comes into force is a ward of the Crown in the care of such society, subject otherwise to the terms of the order making the permanent commitment. *New.*

Local director to be legal guardian

33.—(1) Each children's aid society has and shall assume all the rights and responsibilities of a legal guardian of the wards of the society for the purpose of their care, custody and control. R.S.O. 1960, c. 53, s. 17 (17), *amended.*

Temporary wards under R.S.O. 1960, c. 53

(2) Every child committed temporarily to the care and custody of a children's aid society under *The Child Welfare Act*, or any predecessor thereof, and who is in the temporary care and custody of the society immediately before this Act comes into force continues to be a ward of the society, subject otherwise to the terms of the order making the temporary commitment. *New.*

Termination of wardship

34. Every wardship terminates when the ward attains the age of eighteen years, but, upon the application of a children's aid society with the approval of the Director, a judge may order that the wardship of a Crown ward continue until the ward attains the age of twenty-one years where the ward is dependent for educational purposes or because of mental or physical incapacity. R.S.O. 1960, c. 53, s. 17 (19), *part, amended.*

Application for production of child

35.—(1) Where a parent applies to a judge for an order for the production of a child committed under this Part and the judge is of the opinion that the parent has deserted the child or that he has otherwise so conducted himself that the child is in need of protection, the judge may in his discretion decline to make the order. R.S.O. 1960, c. 53, s. 30 (1), *amended.*

Judge may order compensation

(2) If at the time of the application the child is being brought up by another person or has been placed by a children's aid society, the judge, if he directs the child to be given up to the parent, may order the parent to pay to such person or society the whole of the expense properly incurred in bringing up the child, or such part thereof as seems just.

No order unless parent fit person

(3) Where a parent,

(*a*) has abandoned or deserted his child; or

(*b*) has allowed his child to be brought up by another person at that person's expense, or by a children's aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

the judge shall not make an order for the delivery of the child to the parent unless the parent satisfies the judge that, having regard to the welfare of the child, he is a fit person to have the custody of the child. R.S.O. 1960, c. 53, s. 30 (2, 3).

Child's wishes to be consulted

(4) Nothing in this section affects the power of the judge to consult the wishes of the child in determining what order ought to be made or any right that the child possesses to exercise his own free choice. R.S.O. 1960, c. 53, s. 30 (5).

Appeal to county court judge

36.—(1) A decision granting or refusing an order under this Part may be appealed to the judge of the county or district court of the county or district in which the application was made, but, where the judge who made the decision is also the county or district court judge, the appeal shall be heard and disposed of by any other county or district court judge in the same county or district court district.

Appeal to Court of Appeal

(2) A decision upon an appeal under subsection 1 is subject to an appeal to the Court of Appeal.

Appeal by next friend

(3) An appeal on behalf of a child may be made at the instance of a next friend. R.S.O. 1960, c. 53, s. 29; 1961-62, c. 14, s. 3, *amended.*

Presumption as to religious faith

37.—(1) For the purposes of this section, a child shall be deemed to have the same religious faith as his father unless it is shown that an agreement has been entered into in writing, signed by his parents, that he be brought up in the same religious faith as his mother.

Child of unmarried mother

(2) For the purposes of this section, the child of an unmarried mother shall be deemed to have the religious faith of his mother. R.S.O. 1960, c. 53, s. 31 (1, 2), *amended.*

Where established faith not that of parent

(3) Where a child is being raised in a religious faith other than his religious faith as determined under subsection 1 or 2 or where his religious faith can not be readily determined under subsection 1 or 2, the judge may determine the child to have such religious faith, if any, for the purposes of this section, as he deems proper in the circumstances. *New.*

Religious faith of child

(4) A Protestant child shall not be committed under this Part to the care of a Roman Catholic children's aid society or institution and a Roman Catholic child shall not be committed under this Part to a Protestant children's aid society or institution, and a Protestant child shall not be placed in a foster home with a Roman Catholic family and a Roman Catholic child shall not be placed in a foster home with a Protestant family, and, where a child committed under this Part is other than Protestant or Roman Catholic, he shall be placed where practicable with a family of his own religious faith, if any. R.S.O. 1960, c. 53, s. 31 (3), *amended.*

Where only one society

(5) Subsection 4 does not apply to the commitment of a child to the care of a children's aid society in a municipality in which there is only one children's aid society. R.S.O. 1960, c. 53, s. 31 (4).

(6) Where a children's aid society, Application to waive subs. 4

(*a*) is unable to place a child in a suitable foster home within a reasonable time because of the operation of subsections 1 to 4; and

(*b*) would be able to place the child in a suitable foster home but for the operation of subsections 1 to 4,

the society or the Director may apply to a judge who may order that subsection 4 does not apply to the child in respect of the placement. *New.*

(7) Notwithstanding anything in this section, the judge may have regard to the wishes of the child in determining what order ought to be made as to his religious faith. R.S.O. 1960, c. 53, s. 31 (5). Child's wishes to be consulted

38.—(1) A ward of the Crown or of a children's aid society may be placed by the society for any period of time in a foster home or other suitable place according to the needs of the child, and every ward so placed shall receive an education in accordance with the laws of Ontario and in keeping with his intellectual capacity, and provision for his occupational training and for his total development shall be such as a good parent would make for his own child. Society may place ward

(2) A ward of the Crown or of a children's aid society who has been so placed may at any time be removed by the society when, in the opinion of the Director or the local director, the welfare of the ward so requires. Removal of ward of society

(3) Where a ward of the Crown is placed in a foster home, and, in the opinion of the local director with the approval of the Director, it is in the best interest of the ward to place him in adoption, the foster parents shall not be denied the opportunity of making application to adopt the ward if they so desire. R.S.O. 1960, c. 53, s. 32, *amended.* Adoption of ward

39.—(1) No person shall, Interference with wards, etc.

(*a*) induce or attempt to induce a person under the age of eighteen years, who is lawfully in the care of an organization that provides care for children, to leave the premises in which he has been lawfully placed; or

(*b*) detain or harbour a person under the age of eighteen years, who is lawfully in the care and custody of an organization that provides care for children, after demand made by a person authorized to require him to be delivered up; or

(*c*) visit, write to, telephone to or otherwise interfere with a ward who is placed in a foster home or other place, or his foster parents, without the consent in writing of the children's aid society under whose supervision he is. R.S.O. 1960, c. 53, s. 33 (1), *amended*.

Offence

(2) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $500 or to imprisonment for a period of not more than one year, or to both. R.S.O. 1960, c. 53, s. 33 (2), *amended*.

Desertion of or failure to protect child

40.—(1) Any person having the care, custody, control or charge of a child who abandons, deserts or fails to support the child or inflicts unreasonable cruelty or ill-treatment upon the child not constituting an assault or otherwise fails to protect the child is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1960, c. 53, s. 34 (1), *amended*.

Leaving child unattended

(2) Any person having the care, custody, control or charge of a child under the age of ten years who leaves the child unattended for an unreasonable length of time without making reasonable provision for the supervision and safety of the child is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $100 and, for any subsequent offence, to a fine of not more than $200 or imprisonment for a term of not more than one year. R.S.O. 1960, c. 53, s. 34 (2).

Further proceedings as to child

(3) The judge may in connection with any case arising under subsection 1 or 2 hold a hearing in respect of any child concerned and may proceed as though the child had been brought before him as a child apparently in need of protection. R.S.O. 1960, c. 53, s. 34 (3), *amended*.

Reporting ill-treatment of child

41.—(1) Every person having information of the abandonment, desertion, physical ill-treatment or need for protection of a child shall report the information to a children's aid society or Crown attorney.

Privilege abolished

(2) Subsection 1 applies notwithstanding that the information is confidential or privileged, and no action shall be instituted against the informant unless the giving of the information is done maliciously or without reasonable and probable cause. *New*.

Causing child to beg, perform, etc.

42.—(1) Every person who,

(*a*) causes or procures a child to be in any public place for the purpose of begging or receiving alms or of

inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale or otherwise; or

(*b*) causes or procures a child to be in any public place for the purpose of singing, playing or performing for profit or offering anything for sale between 9 o'clock in the afternoon of any day and 6 o'clock in the morning of the following day; or

(*c*) subject to subsection 2, causes or procures a child to be at any time for the purpose of singing, playing or performing for profit or offering anything for sale in any circus, theatre or other place of public amusement to which the public is admitted by payment,

is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $100 or to imprisonment for a term of not more than six months, or to both.

Licence for child to perform in public

(2) In the case of an entertainment or series of entertainments to take place in premises used for public entertainment or in a circus, theatre or other place of public amusement, where it is shown that provision has been made to ensure the health and proper treatment of a child proposed to be employed thereat, the head of the council of the municipality may, with the approval of the children's aid society, grant a licence for such time and during such hours of the day and subject to such restrictions and conditions as he thinks fit for any child who in his opinion is a fit and proper person to take part in such entertainment or series of entertainments, and the licence may at any time be varied, added to or revoked by him with the approval of the children's aid society.

Officer to supervise licensed child

(3) The municipal council shall assign to a person the duty of seeing that the restrictions and conditions of any licence granted under subsection 2 are duly complied with, and such person may enter, inspect and examine any place at which the employment of a child is for the time being licensed, and that duty shall be discharged by the chief constable of the municipality until some other person is appointed. R.S.O. 1960, c. 53, s. 35.

Street trades, girls under 16 and boys under 12

43.—(1) No girl under sixteen years of age and no boy under twelve years of age shall engage in or be licensed or permitted to engage in any street trade or occupation.

boys 12 to 16

(2) No boy twelve or more years of age and under sixteen years of age shall engage in any street trade or occupation between the hours of 9 o'clock in the afternoon and 6 o'clock in the morning of the following day. R.S.O. 1960, c. 53, s. 36 (1, 2).

Boy or girl under 16 loitering in public place at night

(3) No boy or girl under sixteen years of age shall loiter in any public place between the hours of 10 o'clock in the afternoon and 6 o'clock in the morning of the following day or be in any place of public resort or entertainment during such hours unless accompanied by his or her parent or an adult appointed by the parent to accompany the boy or girl.

Warning

(4) A boy or girl found contravening any provision of this section may be warned by a constable, and, if the warning is not regarded or if, after the warning, the boy or girl is again found contravening any provision of this section, the boy or girl may be taken by the constable to the home of the boy or girl or to a place of safety and dealt with as a child apparently in need of protection. R.S.O. 1960, c. 53, s. 36 (3, 4), *amended.*

Offence

(5) A parent who permits his boy or girl to contravene any provision of this section is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than $25 and, for any subsequent offence, to a fine of not more than $100. R.S.O. 1960, c. 53, s. 36 (5); 1962-63, c. 12, s. 4.

Presumption as to age of child

44. Where a person is charged with an offence under this Part in respect of a child who is alleged to be under a specified age and the child appears to the judge to be under that age, the child shall for the purposes of this Part be deemed to be under that age unless the contrary is proved. R.S.O. 1960, c. 53, s. 37.

Separate place of detention

45.—(1) A child who is charged with an offence or brought before a judge under this Part shall not, before his trial or hearing, be confined in a place used for persons charged with crime.

Idem

(2) The council of every city, town, village and township shall make provision for the separate detention of every such child prior to his trial or hearing by arrangement with a person or society willing to undertake the responsibility of such detention on such terms as are agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-up and jail.

Idem

(3) A child lawfully in custody shall not be placed or allowed to remain in the company of adult prisoners. R.S.O. 1960, c. 53, s. 38 (1-3), *amended.*

Alternative proceedings

(4) Where it appears to the judge that the interest of a child charged with an offence under section 43 will be best served thereby, the child may be dealt with by the judge in the same manner as though the child had been brought before him as a child apparently in need of protection. R.S.O. 1960, c. 53, s. 38 (6), *amended.*

Place of hearing

46.—(1) Where a child is brought before a judge under this Part, the hearing shall be held in premises maintained specifically for the purpose or in the private office of the judge or in other suitable premises, but the hearing shall not be held in premises ordinarily used for hearings by magistrates. R.S.O. 1960, c. 53, s. 39 (1), *amended*.

Exclusion of public, etc.

(2) Where a child or parent is brought before a judge for trial or hearing under this Part, the judge shall exclude from the room all persons, other than the counsel and witnesses in the case, officers of the law or of a children's aid society and friends and relatives of the child or parent, and he may exclude any or all the friends and relatives as he thinks proper. R.S.O. 1960, c. 53, s. 39 (2).

Information not to be published

(3) Where a hearing is held under this Part, whether upon an application or by way of a trial or appeal, no person shall publish the name of the child or his parent concerned in the hearing by newspaper or other publication or by broadcast or any other means, except with the leave of the person holding the hearing. *New*.

Effect of order of court in other jurisdiction

47.—(1) Where, by an order or orders made by a court of competent jurisdiction in any other province or territory of Canada or in any other state or country that is specified in the regulations, full and lawful parental rights and responsibilities in respect of a child have been legally vested in any person, organization, province, state, country or legal representative thereof, the order or orders so made shall for all purposes in Ontario have the same force and effect as if made under this Act.

Idem

(2) Where, as a requirement of the making of an order or orders of a court referred to in subsection 1, any statement, consent, declaration or similar document in writing is made by the person, organization, province, state, country or legal representative thereof in whom the full and lawful parental rights and responsibilities have been legally vested by such order or orders, such statement, consent, declaration or similar document in writing shall for all purposes in Ontario have the same force and effect as if made under this Act. 1961-62, c. 14, s. 4.

PART III

PROTECTION OF CHILDREN BORN OUT OF WEDLOCK

Interpretation

48.—(1) In this Part, "judge" means the judge of a juvenile and family court.

By whom cases to be heard

(2) Proceedings under this Part shall be heard by a judge. R.S.O. 1960, c. 53, s. 41, *amended*.

Where society not to intervene

49. Nothing in this Part requires a children's aid society to intervene in the care and maintenance of a child born out of wedlock where the child has been adopted in accordance with the laws of Ontario or where the child is being cared for voluntarily by a person whom the society considers suitable to have charge of the child. R.S.O. 1960, c. 53, s. 42, *amended*.

Agreement for maintenance of the child

50.—(1) Where a child is born out of wedlock and no agreement between the mother and the putative father with respect to the care and maintenance of the child is in force, a society and the mother of the child may enter into an agreement with the putative father of the child for the payment of money by the putative father in respect of the expenses and maintenance mentioned in subsection 1 of section 59, and, if the financial circumstances of the putative father change at any time, the terms of the agreement may be varied by the parties accordingly.

Idem

(2) Where a putative father enters into an agreement under subsection 1 in which he agrees to pay a fixed amount in respect of the maintenance mentioned in subsection 1 of section 59, the agreement shall provide for the fixed amount to be paid within twelve months from the date on which the agreement is made.

Payment of money under agreement

(3) The money payable under an agreement made under subsection 1 shall be paid in the first instance to the society that is party to the agreement.

Idem

(4) The money so paid to a society,

(*a*) if it is paid in respect of the expenses mentioned in subsection 1 of section 59, shall be apportioned, if necessary, and paid over by the society in accordance with the circumstances of the case to the person or persons who incurred the expenses;

(*b*) if it is paid in periodic payments in respect of the maintenance mentioned in subsection 1 of section 59, shall be paid over by the society to the person having the care and custody of the child; or

(*c*) if it is a fixed amount paid in respect of the maintenance mentioned in subsection 1 of section 59, shall be dealt with by the society as provided in section 66. R.S.O. 1960, c. 53, s. 43 (1-4).

Default under agreement

(5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the society, or the mother and the society together, may make an application to a judge for an order to enforce

the agreement, and, where the putative father continues in default for a period of sixty days and an application for an order to enforce the agreement has not been made, the society shall within the next following period of thirty days make an application to a judge for an order to enforce the agreement. R.S.O. 1960, c. 53, s. 43 (5); 1961-62, c. 14, s. 5 (1).

Application for affiliation order

51. Notwithstanding that an agreement has been entered into, an application may be made to a judge at any time for an affiliation order,

(*a*) by the mother of a child born out of wedlock;

(*b*) by the next friend or guardian of a child born out of wedlock;

(*c*) by a society; or

(*d*) with the approval of a society, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payments of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the maintenance of the child or the maintenance of the mother. R.S.O. 1960, c. 53, s. 44, *amended*.

Infancy of mother or putative father

52.—(1) For the purposes of an application under this Part, where the putative father or the mother is under the age of twenty-one years, the Official Guardian or any other person appointed by the judge shall be the guardian *ad litem* of the putative father or the mother, as the case may be, with the duty of safeguarding his or her interests before the court, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just. *New.*

Death of mother

(2) A society may institute or continue proceedings under this Part even though the mother has died. R.S.O. 1960, c. 53, s. 45.

When application to be made

53. No affiliation order shall be made under section 59 unless the application therefor is made in the lifetime of the putative father, and,

(*a*) within two years from the birth of the child;

(*b*) within one year after the doing of any act on the part of the putative father that affords evidence of acknowledgment of paternity; or

(*c*) within one year after the return to Ontario of the putative father where he was absent from Ontario at the expiration of the period of two years from the birth of the child. R.S.O. 1960, c. 53, s. 46, *amended.*

Powers of judge

54. In proceedings under this Part, the judge has the power of summoning any person and requiring him to give evidence on oath and to produce all documents and things as may be relevant, and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1960, c. 53, s. 47.

Proceedings to be private

55. All proceedings under this Part shall be heard by the judge in private. R.S.O. 1960, c. 53, s. 48.

Corroborative evidence required

56. No affiliation order shall be made under section 59 upon the evidence of the mother of the child unless her evidence is corroborated by some other material evidence. R.S.O. 1960, c. 53, s. 49.

Appointment for hearing; notice

57.—(1) Where an application for an affiliation order or an order to enforce an agreement is made to a judge, the judge shall appoint in writing a time and place at which the application will be heard, and notice in writing thereof shall be served personally or in such other manner as the judge directs upon the putative father at least seven days before the day so appointed. R.S.O. 1960, c. 53, s. 50 (1); 1962-63, c. 12, s. 5.

Arrest of putative father

(2) Where the judge is satisfied that there is good and probable cause for believing that the putative father of the child is in fact the father of the child and that the putative father is about to quit the territorial jurisdiction of his court with the intention of avoiding service of the notice in writing referred to in subsection 1 or of evading his obligations in respect of the child and the child's mother, whether before or after an affiliation order has been made, the judge may issue a warrant for the arrest of the putative father and upon his arrest may require him to give security for such sum and in such manner and upon such condition as the judge directs, and, if the security is not given, the judge may order the putative father to be imprisoned for a period of not more than three months unless the security is sooner given or the putative father has sooner complied with the condition so imposed. R.S.O. 1960, c. 53, s. 50 (2).

Where putative father fails to appear

58. Where the putative father who has been served with notice of the application for an affiliation order or an order to enforce an agreement fails to appear at the hearing or to

show sufficient reason for not appearing, the judge in the absence of the putative father and upon sufficient evidence being adduced before him may make an order against the putative father under section 59 or he may make such other order as he considers just. R.S.O. 1960, c. 53, s. 51; 1962-63, c. 12, s. 6.

Affiliation order, where putative father appears

59.—(1) Where the putative father appears in pursuance of the notice of the application served upon him under section 57, the judge upon sufficient evidence being adduced before him may make an order declaring the putative father to be in fact the father of the child and requiring him, in accordance with the circumstances of the case,

(*a*) to pay the reasonable expenses for the maintenance and care, medical and otherwise, of the mother of the child during her pregnancy and at the birth of the child, her burial expenses if she dies as a consequence of her pregnancy or of the birth of the child, and the burial expenses of the child if the child dies; and

(*b*) to make periodic payments or to pay a fixed amount for the maintenance of the child until the child attains the age of sixteen years or until the child is adopted under Part IV or until the child dies.

Contribution by mother

(2) A judge may in an affiliation order made under this section order the mother of the child to make periodic payments or to pay a fixed amount to assist in the maintenance of the child until the child attains the age of sixteen years or until the child is adopted under Part IV or until the child dies.

Considerations in fixing sums

(3) In estimating the amount of the periodic payments or the fixed amount for maintenance to be paid by the father under subsection 1, the judge shall fix such payments or amount as will enable the child to maintain a reasonable standard of life, having regard to what the child would have enjoyed had the child been born in lawful wedlock, but the judge shall take into consideration the ability of the father to provide such payments or amount and the ability of the mother to assist in the maintenance of the child.

When fixed sum to be paid

(4) Any fixed amount ordered to be paid under this section shall be paid within twelve months from the date of the affiliation order.

Death of child

(5) Any balance of a fixed amount paid under this section shall, if the child dies before attaining the age of sixteen years, revert to the father or mother, as the case may be, unless otherwise ordered by a judge. R.S.O. 1960, c. 53, s. 52.

Payment of money under affiliation order

60.—(1) Any money payable under an affiliation order made under section 59 shall be paid in the first instance to the judge making the order or to an official of the court designated by the judge. R.S.O. 1960, c. 53, s. 53 (1).

Idem

(2) Where the child of an unmarried mother is in the care of a children's aid society and the father is in default of payment under an affiliation order, the children's aid society shall make every effort to ensure the collection of the arrears under subsection 1 and may take any legal remedies available to the mother. *New.*

Idem

(3) Any money so paid for expenses under subsection 1 of section 59 shall be apportioned, if necessary, and paid over in accordance with the circumstances of the case to the person or persons who incurred the expenses. R.S.O. 1960, c. 53, s. 53 (2).

Idem

(4) Any money so paid as periodic payments for maintenance under subsection 1 or 2 of section 59 shall be paid over to the person having the care of the child on whose behalf the payments were made. R.S.O. 1960, c. 53, s. 53 (3), *amended.*

Idem

(5) Any money so paid as a fixed amount for maintenance under subsection 1 or 2 of section 59 shall be dealt with as provided in section 66 by the judge or the official of the court designated by the judge. R.S.O. 1960, c. 53, s. 53 (4).

Order to report to officer

61.—(1) Where the child for whose benefit the order for maintenance is made is a public charge or the judge is of the opinion that, if there is default in the order, the child is likely to be a public charge, the judge may, in the order, order any person required to make payments thereunder to report to a probation officer at such times and places as the judge deems necessary for the purpose of ensuring that such person is complying with the order. R.S.O. 1960, c. 53, s. 54 (1), *amended.*

Officer to be designated

(2) Where a judge orders a person to report to a probation officer under this section, he shall designate the officer and may by further order change the designation.

Failure to report

(3) Every person who without reasonable excuse fails to report to a probation officer when ordered so to do under this section is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than three months.

(4) An order made under this section certified by the judge or a certificate of a judge as to the making of an order by him is receivable in evidence as proof of the making of such order in any prosecution under this section without proof of the office or signature of the person certifying. R.S.O. 1960, c. 53, s. 54 (2-4). Proof of order

62. Where an affiliation order has been made or an application for an affiliation order has been dismissed, a judge may, on the discovery of new evidence or of fraud, grant leave to re-open and may re-open and reconsider his decision. R.S.O. 1960, c. 53, s. 55, *amended*. Re-opening of application

63. Where an order for the payment of money has been made in an affiliation order under this Part, a judge may at any time vary or rescind the order for the payment of money as he sees fit, and any order so varied may be enforced in the same manner as the original order. R.S.O. 1960, c. 53, s. 56. Variation of orders

64.—(1) A decision granting or refusing an order under this Part may be appealed to the judge of the county or district court of the county or district in which the application was made, but, where the judge who made the decision is also the county or district court judge, the appeal shall be heard and disposed of by any other county or district court judge in the same county or district court district. Appeal to county court judge

(2) A decision upon an appeal under subsection 1 is subject to an appeal to the Court of Appeal. R.S.O. 1960, c. 53, s. 57, *amended*. Appeal to Court of Appeal

65.—(1) A judge may make an order under this Part notwithstanding the infancy of either parent. *New*. Order where parent an infant

(2) Any order made under this Part may be enforced in the same manner and by the like proceedings as, Enforcement of orders

(*a*) an order made under *The Deserted Wives' and Children's Maintenance Act*; R.S.O. 1960, c. 105

(*b*) an order made or fine imposed under *The Summary Convictions Act*; or R.S.O. 1960, c. 387

(*c*) a judgment of the division court, where the order has been filed with the clerk of a division court, whereupon proceedings by way of execution, garnishment proceedings or judgment summons, *inter alia*, may be used to enforce the order. R.S.O. 1960, c. 53, s. 58.

Money not immediately required

66. The portion of a fixed amount paid under an agreement made under section 50 or under an affiliation order made under section 59 that is not required immediately by the society that is a party to the agreement or by the judge who made the order, as the case may be, to pay the expenses or the maintenance mentioned in subsection 1 of section 59 shall be paid over to the Public Trustee by the judge or the society, and the money so paid over shall be invested by the Public Trustee but is subject to withdrawal of any amounts from time to time upon the written requisition of a judge or of a society. R.S.O. 1960, c. 53, s. 59.

Deceased father's estate bound

67.—(1) An agreement made under section 50 or an order for payment of money in an affiliation order made under subsection 1 of section 59 binds the estate of the putative father or the father after his death, and any moneys payable thereunder are a debt due from and chargeable upon his estate and are recoverable at the suit of the society in the case of an agreement or by the person having the care and custody of the child in the case of an order, but every such agreement or order is, as to any payment falling due before or after his death, subject to review under section 63.

Proceedings after death of father

(2) No action or other proceeding shall be taken on any such agreement or order after the death of the putative father or the father without the leave of a judge of the court in which the action or other proceeding is to be brought, and the judge before granting leave shall direct notice to be given to the widow and legitimate children of the putative father or the father and to all other persons interested in his estate.

Widow, etc., not to be prejudiced

(3) Where in any such action or other proceeding it appears to the judge that the terms of the agreement or order cannot be carried out without depriving the widow or legitimate children of the putative father or the father of necessary maintenance, the judge may, having regard to all the circumstances, vary the agreement or order to such an extent and in such manner as to make equitable provision for the widow, the legitimate children and the child or children born out of wedlock. R.S.O. 1960, c. 53, s. 60, *amended*.

Payment of costs

68. A judge has power to direct payment of the costs of any proceeding taken before him under this Part. R.S.O. 1960, c. 53, s. 61.

PART IV

ADOPTION

Interpretation

69. In this Part, "child" means a person whether under twenty-one years of age or twenty-one or more years of age. R.S.O. 1960, c. 53, s. 62, *amended*.

70.—(1) The Supreme Court or the county or district court of the county or district in which either the applicant or the child sought to be adopted resides at the time of the application for an adoption order has jurisdiction to make the order. Jurisdiction of courts

(2) An application for an adoption order shall be heard and determined in chambers. Application to be heard in chambers

(3) Where an application for an adoption order is not heard by the court within the twelve months next following the signing of the application by the applicant, it shall not be proceeded with, but another application may be made in its stead. Stale applications

(4) For the purpose of an application for an order for the adoption of a child under twenty-one years of age, the court may appoint a person to act as guardian *ad litem* of the child upon the hearing of the application with the duty of safeguarding the interests of the child before the court, and the court may direct the applicant to pay the costs of the person so appointed. R.S.O. 1960, c. 53, s. 63. Guardian *ad litem*

71. The court may make an order for the adoption of any child resident in Ontario upon application therefor being made in the prescribed manner by a person resident in Ontario, notwithstanding the infancy of the child or its parent. R.S.O. 1960, c. 53, s. 64; 1961-62, c. 14, s. 8, *amended*. Where order may be made

72.—(1) The court shall not make an adoption order, Where order not to be made

(*a*) where the applicant is under twenty-one years of age or, in the case of a joint application by a husband and wife, where the husband is under twenty-one years of age;

(*b*) where the applicant is a male and the child sought to be adopted is a female under twenty-one years of age; or

(*c*) where the applicant is unmarried, a widow, a widower or a divorced person,

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of the order. R.S.O. 1960, c. 53, s. 65 (1); 1962-63, c. 12, s. 7.

(2) Except in the case of a joint application by a husband and wife, an order shall not be made for the adoption of a child by more than one person. Adoption by more than one person

Consent of adopting spouse

(3) An adoption order shall not be made upon the application of a husband or wife without the written consent of the spouse. R.S.O. 1960, c. 53, s. 65 (2, 3).

Child 21 or over or under 21 and married

(4) An order for the adoption of a child who is twenty-one or more years of age or who is under twenty-one years of age and has been married shall not be made unless the court is satisfied that the child has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption. R.S.O. 1960, c. 53, s. 65 (4), *amended.*

Consent, where child born in wedlock

73.—(1) An order for the adoption of a child under twenty-one years of age who was born in wedlock and who has not been married shall be made only with the written consent, given after the child was seven days old, of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the child, but any person who has given his consent may cancel it within twenty-one days after it was given by a document in writing to that effect. R.S.O. 1960, c. 53, s. 66 (1); 1961-62, c. 14, s. 9.

Idem, where child born out of wedlock

(2) An order for the adoption of a child under twenty-one years of age who was born out of wedlock and who has not been married shall be made only with the written consent of the mother, given after the child was seven days old, and, where the child resides with and is maintained by the father, with the written consent of the father, but the mother or father may cancel such consent within twenty-one days after it was given by a document in writing to that effect. R.S.O. 1960, c. 53, s. 66 (2).

Idem, Crown ward

(3) An order for the adoption of a child who is a Crown ward shall be made only with the written consent of the Director, in which case no other consent is required. R.S.O. 1960, c. 53, s. 66 (3), *amended.*

Idem, child 21 or over or under 21 and married

(4) An order for the adoption of a child who is twenty-one or more years of age or who is under twenty-one years of age and has been married shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse. R.S.O. 1960, c. 53, s. 66 (4), *amended.*

Where consent not given

(5) Where a consent required by this section has not been given, the court may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with.

Where consent given

(6) Where a consent required by this section has been given, it may be withdrawn by the person giving it only if, having

regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the consent be withdrawn. R.S.O. 1960, c. 53, s. 66 (5, 6).

Affidavit of execution

74. An affidavit of execution in the prescribed form shall be attached to every consent required under this Part and to every cancellation under subsection 2 of section 73. R.S.O. 1960, c. 53, s. 67.

Director's certificate

75.—(1) An adoption order in respect of a child who is under twenty-one years of age and who has not been married shall not be made unless the Director certifies in writing,

(*a*) that the child has resided for six months or more with the applicant and that during that period the conduct of the applicant and the conditions under which the child has lived have been such as in the opinion of the Director justify the making of the order; or

(*b*) that the applicant is to the knowledge of the Director a proper person to have the care and custody of the child and that for the reasons set out in the certificate it is in the best interests of the child that the period of residence be dispensed with,

and the Director, in giving his certificate under clause *a* or *b*, may bring to the attention of the court any additional circumstances of the case that, in his opinion, the court may wish to take into account before the making of the order. R.S.O. 1960, c. 53, s. 68 (1); 1961-62, c. 14, s. 10, *amended*.

Local director's certificate

(2) In the case of a child referred to in subsection 1 who has been placed for adoption by a children's aid society, the certificate referred to in clause *a* of that subsection is sufficient if it is signed by the local director. R.S.O. 1960, c. 53, s. 68 (2).

Duty of court

76. The court before making an adoption order shall be satisfied,

(*a*) that every person who has given a consent under this Part understands the nature and effect of the adoption order; and

(*b*) that the order will be in the best interests of the child. R.S.O. 1960, c. 53, s. 69.

Surname

77.—(1) Upon an adoption order being made and unless the adoption order provides for the adopted child to retain his surname, the adopted child shall assume the surname of the adopting parent.

Given names

(2) In an adoption order, the court may in its discretion change the Christian or given name or names as the adopting parent desires, and thereafter the adopted child is entitled to and is to be known by the name or names so given. R.S.O. 1960, c. 53, s. 70.

Born out of wedlock not to appear

78. If the adopted child was born out of wedlock, that fact shall not appear upon the adoption order. R.S.O. 1960, c. 53, s. 71.

Papers to be sealed up

79.—(1) The papers used upon an application for an adoption order shall be sealed up and filed in the office of the court by the proper officer of the court and shall not be open for inspection except upon an order of the court or the written direction of the Director. R.S.O. 1960, c. 53, s. 72.

Transmission of order

(2) Within thirty days after the making of an adoption order, the proper officer of the court shall cause to be made a sufficient number of certified copies thereof under the seal of the proper certifying authority and shall transmit,

(*a*) the original order to the adopting parent;

(*b*) one certified copy to the Director; and

(*c*) one certified copy to the Registrar General, or, where the adopted child was born outside Ontario, two certified copies to the Registrar General. R.S.O. 1960, c. 53, s. 73; 1961-62, c. 14, s. 11.

Interim order

80.—(1) Upon an application for an adoption order, the court, with the written approval of the Director, may postpone the determination of the application and make an interim order giving the custody of the child sought to be adopted to the applicant for a period not exceeding one year by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the child and otherwise as the court thinks fit.

Idem

(2) An interim custody order is not an adoption order.

Consents

(3) All consents required for an adoption order are necessary for an interim custody order, subject to a like power in the court to dispense with any such consent requirement.

Residence outside Ontario

(4) Where an applicant has obtained an interim custody order and subsequently takes up residence outside Ontario, the court may nevertheless make the adoption order applied for if the Director makes the certificate mentioned in section 75. R.S.O. 1960, c. 53, s. 74.

81. An adoption order or an interim custody order may be made in respect of a child who has previously been the subject of an adoption order, and the adopting parent under the adoption order last previously made shall, if living, be deemed to be the parent of the child for the purposes of this Part. R.S.O. 1960, c. 53, s. 75. Effect of order on previous adoption

82.—(1) For all purposes, the adopted child, upon the adoption order being made, becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child as if the adopted child had been born in lawful wedlock to the adopting parent. Status of adopted child

(2) For all purposes, the adopted child, upon the adoption order being made, ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child. R.S.O. 1960, c. 53, s. 76 (1, 2). Idem

(3) Any reference to "child", "children" or "issue" in a will or other document, whether heretofore or hereafter made, shall be deemed to include an adopted child. *New.* Reference to "child", "children" or "issue"

(4) The relationship to one another of all persons, whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the making of the adoption order and the kindred of that parent or any other person, shall be determined in accordance with subsections 1, 2 and 3. Idem

(5) Subsections 2 and 4 do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity that, but for this section, would have existed. R.S.O. 1960, c. 53, s. 76 (3, 4). Exception

83. Every person heretofore adopted under the laws of Ontario and every person adopted under the laws of any other province or territory of Canada or under the laws of any other country shall for all purposes in Ontario be governed by this Part. R.S.O. 1960, c. 53, s. 77. Status of persons herefore adopted

84.—(1) Every children's aid society shall endeavour to secure the adoption of Crown wards, having regard to the individual needs of each ward. Duty of children's aid society to secure adoption

(2) Every children's aid society shall, within one year after a Crown ward is committed to its care, report to the Director in the prescribed form the efforts made to secure the adoption of the ward and the facts relevant to his adoption. Report to Director

Idem

(3) Every children's aid society shall submit to the Director a quarterly return in the prescribed form showing, as at the end of each quarter, the adoption status of each Crown ward in its care and of applicants as adoptive parents. *New.*

Registration of placement

85.—(1) Every person, other than a children's aid society, who places a child with another person on the understanding that the other person will adopt the child shall, within thirty days after the day on which the child was so placed, register the placement with the Director in the prescribed form.

Information

(2) At the request of the Director, a children's aid society shall, within fifteen days after the receipt of the request, obtain such information respecting a placement as he requires and shall forthwith transmit the information to the Director together with its opinion as to the suitability of the placement.

Offence

(3) Every person who fails to comply with subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $100. R.S.O. 1960, c. 53, s. 79.

Penalty for payments in connection with adoptions

86. Every person who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, in consideration of the adoption of a child under this Part, or who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, to procure a child for the purpose of adoption is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than three years, or to both. R.S.O. 1960, c. 53, s. 80.

PART V

REGULATIONS

Regulations

87. The Lieutenant Governor in Council may make regulations,

(*a*) prescribing additional duties of the Director;

(*b*) prescribing the records that shall be kept by children's aid societies and the returns that shall be made under this Act;

(*c*) requiring children's aid societies to make such returns and reports as are prescribed;

(*d*) prescribing the standard of services that children's aid societies shall provide;

(*e*) prescribing provisions to be included in the by-laws of children's aid societies;

(*f*) prescribing adjustments in the determination of the population of a municipality for the purposes of section 8;

(*g*) defining "operating costs" for the purposes of section 8;

(*h*) prescribing the manner of determining the proportion of an approved estimate that is referable to each municipality in the area served by a children's aid society;

(*i*) prescribing special needs of children for which joint facilities may be established under section 14;

(*j*) prescribing the amount that shall be paid by parents for the purposes of subsection 1 of section 26;

(*k*) governing the construction, alteration, remodelling, extension and equipment of receiving homes;

(*l*) specifying jurisdictions other than provinces or territories of Canada for the purposes of section 47;

(*m*) prescribing rules under which applications under this Act or any Part thereof are to be made, and dealing generally with all matters of procedure under this Act or any Part thereof;

(*n*) for fixing fees, costs, charges and expenses payable on proceedings under this Act or any Part thereof and for dispensing with the payment of such fees, costs, charges and expenses where, owing to lack of means or for any other reason, the judge considers such action advisable;

(*o*) prescribing forms and providing for their use;

(*p*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act or any Part thereof. R.S.O. 1960, c. 53, s. 81, *amended*.

Transition for certain children in care when Act comes into force

88. Where a child other than the child of an unmarried mother is in the care of a children's aid society immediately before this Act comes into force and the child belongs to a municipality other than a municipality in which the society has jurisdiction, as determined by the order committing the child to such care, the municipality to which the child belongs shall pay, and the municipality in which the society has

jurisdiction may recover, an amount per day for the care of the child as determined in the manner prescribed by the Lieutenant Governor in Council by regulation. *New.*

Moneys

89. The moneys required for the purposes of this Act shall, until the 31st day of March, 1966, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. *New.*

R.S.O. 1960, c. 53; 1961-62, c. 14; 1962-63, c. 12, repealed

90. *The Child Welfare Act*, *The Child Welfare Amendment Act, 1961-62* and *The Child Welfare Amendment Act, 1962-63* are repealed.

Commencement

91. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

92. This Act may be cited as *The Child Welfare Act, 1965*.

1st Reading

April 30th, 1965

2nd Reading

May 11th, 1965

3rd Reading

June 21st, 1965

MR. CECILE

BILL 120

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Public Health Act

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The new paragraph 29*a* authorizes regulations,

(*a*) requiring the registration of manufacturers, renovators and second-hand dealers of upholstered furniture and stuffed articles, and prescribing fees for registration and renewals thereof;

(*b*) prohibiting the sale of upholstered furniture and stuffed articles unless the manufacturer or renovator or second-hand dealer is registered under the Act.

The new paragraph 29*b* authorizes regulations to control hazards to health involved in the transportation and sale of water for human consumption.

Section 2. The purpose of these amendments is to relieve municipalities of the necessity of obtaining Departmental approval to the purely local matter of installing sanitary fixtures and connections with water systems "where the owner of the premises is unable or unwilling to pay the expense of such installation at once".

BILL 120 **1965**

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Public Health Act*, as amended by section 1 of *The Public Health Amendment Act, 1961-62*, subsection 2 of section 1 of *The Public Health Amendment Act, 1962-63* and section 1 of *The Public Health Amendment Act, 1964*, is further amended by renumbering paragraph 28*a* in the amendment of 1962-63 as paragraph 29*c* and by adding thereto the following paragraphs: R.S.O. 1960, c. 321, s. 6, amended

upholstered furniture or stuffed articles

29*a*. prohibiting the sale or offering for sale of upholstered furniture or stuffed articles unless such furniture or articles have been manufactured by a manufacturer registered by the Department in accordance with the regulations, and prohibiting the renovation of upholstered furniture or stuffed articles unless the upholsterer is so registered by the Department, and providing for the renewal and cancellation of such registration and for fixing the fees payable for such registration and the renewal thereof;

sale of drinking water

29*b*. governing, regulating and prohibiting the procurement, transportation, handling and sale of water for human consumption by tank truck or otherwise, and requiring the approval of the medical officer of health to the procurement, transportation, handling and sale of such water.

2. Subsection 2 of section 24 of *The Public Health Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 321, s. 24, subs. 2, re-enacted

Installation of sanitary conveniences, etc., by municipality

(2) Where a local board in a municipality in which a sewerage system has been established,

(*a*) recommends that sanitary conveniences or suitable connections with water service should be installed in any building; and

(*b*) is of the opinion that the owner of the premises is unable or unwilling to pay the expense of such installation at once,

the municipality may install suitable conveniences and construct private drain connections required to connect such sanitary conveniences with the common sewers of the municipality, or may install a water service pipe with the necessary connections to give a proper supply of water to the premises at the expense of the owner.

Idem, payment of cost

(2*a*) The municipality may direct that the cost of the conveniences and connections mentioned in subsection 2, including interest at a rate of not more than 6 per cent on the deferred payments, be paid by the owner in equal successive annual payments extending over a period of not more than five years, and may direct that such payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

R.S.O. 1960, c. 321, s. 35*a* (1962-63, c. 113, s. 3), amended

3. Section 35*a* of *The Public Health Act*, as enacted by section 3 of *The Public Health Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

Extension of separated health units

(1*a*) With the approval of the Minister, a separated local board may enter into an agreement with the council of a county or other municipality mentioned in subsection 2 of section 35 for such county or other municipality to form part of the separated health unit.

R.S.O. 1960, c. 321, amended

4. *The Public Health Act* is amended by adding thereto the following section:

USE OF DRUGS

Interpretation

55*a*.—(1) In this section,

(*a*) "designated drug" means a drug,

(i) for which a standard has been prescribed under legislation applicable to the advertising and sale of drugs,

(ii) for which a standard is contained in a publication mentioned in Schedule C, or

(iii) designated by the regulations;

SECTION 3. Provision is made for the extension of separated health units.

SECTION 4. These new provisions,

(*a*) prohibit the use of drugs for which standards have not been prescribed in the *Food and Drugs Act* (Canada) or the British Pharmacopoeia or any other recognized work, so as to prohibit and control the use of secret remedies in the treatment of cancer and other ailments;

(*b*) exempt hospitals, universities and medical practitioners from the prohibition.

(*b*) "designated human ailment" means a human ailment designated by the regulations;

(*c*) "drug" means a substance or mixture of substances for the treatment of human ailments.

Where section not to apply

(2) This section does not apply to,

(*a*) a duly qualified medical practitioner;

(*b*) a person engaged in *bona fide* research, experimentation or the treatment of patients or other persons if carried on under the supervision of a duly qualified medical practitioner in a hospital or sanatorium referred to in clause *b* of subsection 2 of section 20 of *The Medical Act* or any institution operated by or affiliated with a university.

R.S.O. 1960, c. 234

Use of certain drugs prohibited

(3) Except as provided by the regulations, no person shall use or permit to be used any drug other than a designated drug in the treatment of a designated human ailment.

Appointment of inspectors

(4) The Minister, for the purpose of this section, may appoint any person on the staff of the Department or any other person as an inspector for such time as the Minister may designate.

Powers of inspectors

(5) An inspector appointed under subsection 4 may enter any place in which he believes on reasonable grounds that a drug is being used contrary to subsection 3, and he may search for and examine any such drug and take and remove it or a sample thereof.

Assistance to inspectors

(6) The owner or person in charge of the place entered by an inspector appointed under subsection 4 and every person therein shall give the inspector all reasonable assistance and furnish him with such information as he may reasonably request.

Obstruction of inspectors

(7) No person shall obstruct an inspector appointed under subsection 4 in the performance of his duties.

Offences

(8) Any person who contravenes any provision of this section is guilty of an offence and, for a first offence, on summary conviction is liable to a fine of not less than $200 and not more than $500 and, for a subsequent offence, on summary conviction is liable to a fine of not less than $500 and not more than $2,500.

Onus of proof

(9) In a prosecution for the use of a drug in contravention of subsection 3, the burden of proof that a drug is a designated drug is upon the person charged.

Regulations

(10) The Lieutenant Governor in Council may make regulations,

(*a*) designating human ailments and drugs for the purposes of this section;

(*b*) prescribing terms and conditions under which a drug other than a designated drug may be used in the treatment of a designated human ailment;

(*c*) adding any publication or deleting any publication from the list of publications in Schedule C.

No additional rights to treat human ailments

(11) Nothing in this section shall be deemed to confer upon any person any rights in the treatment of human ailments that he does not otherwise possess.

R.S.O. 1960, c. 321, s. 116, subs. 2, amended

5. Subsection 2 of section 116 of *The Public Health Act* is amended by striking out "$5" in the eighth line and inserting in lieu thereof "$25".

R.S.O. 1960, c. 321, amended

6. *The Public Health Act* is amended by adding thereto the following Schedule:

SCHEDULE C

Pharmacopoea Internationalis
The British Pharmacopoeia
The Pharmacopoeia of the United States of America
Codex Francais
The Canadian Formulary
The British Pharmaceutical Codex
The National Formulary

Commencement

7.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Public Health Amendment Act, 1965.*

SECTION 5. The minimum penalty is increased from $5 to $25 in respect of offences other than those specifically provided for in the Act or those related to communicable diseases.

SECTION 6. Complementary to the new provisions enacted by section 4 of this Bill.

1st Reading

April 30th, 1965

2nd Reading

3rd Reading

MR. DYMOND

1965

BILL 120

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Public Health Act

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 120 **1965**

An Act to amend The Public Health Act

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29*a*. prohibiting the sale or offering for sale of upholstered furniture or stuffed articles unless such furniture or articles have been manufactured by a manufacturer registered by the Department in accordance with the regulations, and prohibiting the renovation of upholstered furniture or stuffed articles unless the upholsterer is so registered by the Department, and providing for the renewal and cancellation of such registration and for fixing the fees payable for such registration and the renewal thereof; upholstered furniture or stuffed articles

29*b*. governing, regulating and prohibiting the procurement, transportation, handling and sale of water for human consumption by tank truck or otherwise, and requiring the approval of the medical officer of health to the procurement, transportation, handling and sale of such water. sale of drinking water

2. Subsection 2 of section 24 of *The Public Health Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 321, s. 24, subs. 2, re-enacted

(2) Where a local board in a municipality in which a sewerage system has been established, Installation of sanitary conveniences, etc., by municipality

(*a*) recommends that sanitary conveniences or suitable connections with water service should be installed in any building; and

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R.S.O. 1960, c. 321, s. 35*a* (1962-63, c. 113, s. 3), amended

3. Section 35*a* of *The Public Health Act*, as enacted by section 3 of *The Public Health Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

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(*a*) "designated drug" means a drug,

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(ii) for which a standard is contained in a publication mentioned in Schedule C, or

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(*b*) "designated human ailment" means a human ailment designated by the regulations;

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(*a*) a duly qualified medical practitioner;

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R.S.O. 1960, c. 234

Use of certain drugs prohibited

(3) Except as provided by the regulations, no person shall use or permit to be used any drug other than a designated drug in the treatment of a designated human ailment.

Appointment of inspectors

(4) The Minister, for the purpose of this section, may appoint any person on the staff of the Department or any other person as an inspector for such time as the Minister may designate.

Powers of inspectors

(5) An inspector appointed under subsection 4 may enter any place in which he believes on reasonable grounds that a drug is being used contrary to subsection 3, and he may search for and examine any such drug and take and remove it or a sample thereof.

Assistance to inspectors

(6) The owner or person in charge of the place entered by an inspector appointed under subsection 4 and every person therein shall give the inspector all reasonable assistance and furnish him with such information as he may reasonably request.

Obstruction of inspectors

(7) No person shall obstruct an inspector appointed under subsection 4 in the performance of his duties.

Offences

(8) Any person who contravenes any provision of this section is guilty of an offence and, for a first offence, on summary conviction is liable to a fine of not less than $200 and not more than $500 and, for a subsequent offence, on summary conviction is liable to a fine of not less than $500 and not more than $2,500.

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Pharmacopoea Internationalis
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Commencement

7.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Public Health Amendment Act, 1965*.

1st Reading

April 30th, 1965

2nd Reading

May 11th, 1965

3rd Reading

June 21st, 1965

MR. DYMOND

BILL 121

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Surrogate Courts Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. The amendment permits the same flexibility of movement of surrogate court judges between counties as now exists for judges of county and district courts.

SECTION 2. The amendment provides for the appointment of the staff of a surrogate court registrar, bringing the Act in line with existing practice.

BILL 121 **1965**

An Act to amend The Surrogate Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Surrogate Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 388, s. 11, re-enacted

11.—(1) The Chief Judge of the County and District Courts may assign as he deems necessary or proper from time to time any judge appointed for a county or district under this Act to exercise the powers and perform the duties of a surrogate court judge in any other county or district, and every such judge in the performance of his duties shall have the same powers as a judge appointed under this Act for that county or district. Judges acting outside county or district

(2) Every judge appointed under this Act who is a judge or junior judge of a county or district court has the powers of a surrogate court judge appointed under this Act in any other county or district while he is authorized to act as a county or district court judge therein. Idem

2. Section 12 of *The Surrogate Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 388, s. 12, re-enacted

12.—(1) The Lieutenant Governor in Council may appoint a registrar for each surrogate court and may appoint such persons to the staff of the registrar's office as are deemed necessary, and may fix their position specifications, salary ranges and terms and conditions of employment. Appointment of registrar and staff

(2) The Attorney General, or any public servant designated by him in writing for the purpose, may make temporary appointments to the staff of a registrar's office for a term not exceeding one year. Temporary appointments

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Surrogate Courts Amendment Act, 1965*.

1st Reading

May 5th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 121

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

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(2) Every judge appointed under this Act who is a judge or junior judge of a county or district court has the powers of a surrogate court judge appointed under this Act in any other county or district while he is authorized to act as a county or district court judge therein. Idem

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3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Surrogate Courts Amendment Act, 1965*.

1st Reading

May 5th, 1965

2nd Reading

May 11th, 1965

3rd Reading

June 21st, 1965

MR. WISHART

BILL 122

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Securities Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1—Subsection 1. The amendment permits the total membership of the Security Commission to be increased from three to five.

Subsection 2. The subsection added restores the provision deleted in 1963 requiring the chairman to be a full-time member of the Commission.

BILL 122 **1965**

An Act to amend The Securities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Securities Act* is amended by striking out "two" in the second line and inserting in lieu thereof "four", so that the subsection shall read as follows: R.S.O. 1960, c. 363, s. 2, subs. 1, amended

(1) The Commission shall be composed of a chairman and not more than four other members, one of whom shall be designated as vice-chairman, who shall be appointed by the Lieutenant Governor in Council. Commission, how composed

(2) The said section 2, as amended by section 2 of *The Securities Amendment Act, 1962-63*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 363, s. 2, amended

(3) The chairman shall devote his full time to the work of the Commission, and the other members shall devote such time as may be necessary for the due exercise and performance of the powers and duties of the Commission. Duties of chairman and members

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Securities Amendment Act, 1965*. Short title

1st Reading

May 5th, 1965

2nd Reading

3rd Reading

MR. WISHART

1965

BILL 122

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Securities Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 122 **1965**

An Act to amend The Securities Act

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1.—(1) Subsection 1 of section 2 of *The Securities Act* is amended by striking out "two" in the second line and inserting in lieu thereof "four", so that the subsection shall read as follows: R.S.O. 1960, c. 363, s. 2, subs. 1, amended

(1) The Commission shall be composed of a chairman and not more than four other members, one of whom shall be designated as vice-chairman, who shall be appointed by the Lieutenant Governor in Council. Commission, how composed

(2) The said section 2, as amended by section 2 of *The Securities Amendment Act, 1962-63*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 363, s. 2, amended

(3) The chairman shall devote his full time to the work of the Commission, and the other members shall devote such time as may be necessary for the due exercise and performance of the powers and duties of the Commission. Duties of chairman and members

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Securities Amendment Act, 1965*. Short title

1st Reading

May 5th, 1965

2nd Reading

May 11th, 1965

3rd Reading

June 21st, 1965

MR. WISHART

BILL 123

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Police Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The provision added provides for the exemption of towns of less than 2,000 from the requirement to establish and maintain police forces, in special circumstances.

Section 2. The amendment requires a board of police commissioners in all local municipalities having a population of more than 15,000.

BILL 123 **1965**

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Police Act*, as amended by section 2 of *The Police Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 298, s. 2, amended

(1*a*) The Lieutenant Governor in Council may in special circumstances exempt any town having a population of less than 2,000 according to the last revised assessment roll from the application of subsection 1, and such exemption continues in effect until it is revoked. Exemption of towns of less than 2,000

2. Subsection 1 of section 7 of *The Police Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 7, subs. 1, re-enacted

(1) Notwithstanding any special Act, every local municipality that provides and maintains a police force and that has a population of more than 15,000 according to the last revised assessment roll shall have a a board, and, Creation of board

(*a*) any county or town having a population of 15,000 or less according to the last revised assessment roll;

(*b*) any village or township having a population of more than 5,000 and not more than 15,000 according to the last revised assessment roll; and

(*c*) with the consent of the Attorney General, any village or township having a population of 5,000 or less according to the last revised assessment roll,

that provides and maintains a police force may, by by-law, constitute a board.

R.S.O. 1960, c. 298, s. 8, subs. 2, cl. *a*, amended

3.—(1) Clause *a* of subsection 2 of section 8 of *The Police Act* is amended by striking out "one" in the first line and inserting in lieu thereof "each", so that the clause shall read as follows:

(*a*) the head of the council of each of the municipalities.

R.S.O. 1960, c. 298, s. 8, subs. 2, cl. *b*, re-enacted; cl. *c*, repealed

(2) Clauses *b* and *c* of subsection 2 of the said section 8 are repealed and the following substituted therefor:

(*b*) such judge and such other persons as the Lieutenant Governor in Council designates.

R.S.O. 1960, c. 298, s. 13 (1964, c. 92, s. 7), re-enacted

4. Section 13 of *The Police Act*, as re-enacted by section 7 of *The Police Amendment Act, 1964*, is repealed and the following substituted therefor:

Composition of police force

13.—(1) Subject to subsection 3 and to clause *ea* of section 39*b*, the police force in a municipality having a board shall consist of a chief constable and such other police officers and such constables and assistants as the board deems adequate, and shall be provided with such accommodation, arms, equipment, clothing and other things as the board deems adequate.

Estimates

(2) Every board shall, on or before the 1st day of March in each year, prepare and submit to the council for its consideration and approval its estimates of all moneys required for the year to pay the remuneration of the members of the police force and to provide and pay for the accommodation, arms, equipment and other things for the use and maintenance of the force.

Appeal to Commission

(3) Where the council does not agree with the board on the estimates or on the adequacy of the number of members of the police force or the accommodation, arms, equipment or other things for the use and maintenance of the force, the Commission shall determine the question after a hearing.

R.S.O. 1960, c. 298, ss. 18-20, re-enacted

5. Sections 18, 19 and 20 of *The Police Act* are repealed and the following substituted therefor:

Municipalities that may have own police forces

18. Any county, township or village not required to establish a police force under section 2 may, with the approval of the Commission, establish a police force.

SECTION 3. Where a joint board of police commissioners is established, the amendment alters the composition of the board to include the head of the council of each participating municipality and such other persons, including a judge, as are appointed by the Lieutenant Governor in Council.

SECTION 4. The amendment adds accommodation, arms, equipment and clothing to the matters that are subject to the negotiation procedures between the board of police commissioners and the council and incorporates section 18 of the Act dealing with the submission of estimates to the council.

SECTION 5. The repealed section 18 of the Act is included in section 13 as re-enacted by section 4 of this Bill. Sections 19 and 20 are re-enacted to simplify the wording and make it standard with the corresponding provision applying to municipalities having boards of police commissioners. The establishment of a police force by a municipality not required to do so under section 2 of the Act is made subject to the approval of the Ontario Police Commission.

SECTION 6. The repealed section 22 is now covered by subsection 2 of section 19 of the Act as re-enacted by section 5 of this Bill. The repealed section 23 provides for the retention by a municipal police officer of fees of his office. The repealed section 24 is replaced by subsection 4 of the new section 23. The provisions added make civilian employees in police forces members of the force and provide for municipal liability for damages caused by a police officer in the course of his employment together with the procedures for recovering.

Appointment of members where no board

19.—(1) Where a municipality that has established a police force does not have a board, the council shall appoint the members of the police force.

Composition of police force

(2) Subject to clause *ea* of section 39*b*, the members of a police force referred to in subsection 1 shall consist of one or more constables and such other police officers and assistants as the council deems adequate, and the council shall provide and pay for such accommodation, arms, equipment, clothing and other things as the council deems adequate.

Idem

(3) Where a police force has two or more constables, the council may appoint one constable to be chief constable.

Police village

20. The trustees of a police village may, with the approval of the Commission, establish a police force, and where they do so the trustees shall carry out the duties of a council under section 19, and section 19 applies *mutatis mutandis*.

R.S.O. 1960, c. 298, ss. 22, 23, re-enacted; s. 24, repealed

6.—(1) Sections 22, 23 and 24 of *The Police Act* are repealed and the following substituted therefor:

Employees deemed members

22. Every person employed in a police force shall be deemed to be a member thereof.

Liability for torts

23.—(1) The chief constable of a police force is liable in respect of torts committed by members of the police force under his direction and control in the performance or purported performance of their duties in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such torts be treated for all purposes as a joint tortfeasor.

Torts of chief constable

(2) Where a chief constable is liable in respect of a tort committed by him in the performance or purported performance of his duties, he is also liable and may be sued separately in his capacity as chief constable for the purposes of subsection 4.

Where office of chief constable vacant

(3) Where the office of chief constable of a police force is vacant or where there is no chief constable, the head of the council shall be deemed to be the chief constable for the purposes of this section.

Payment by municipality

(4) The municipality shall pay,

(*a*) any damages or costs awarded against the chief constable in any proceeding brought

against him by virtue of this section and any costs incurred by him in any such proceeding so far as not recovered by him in the proceedings; and

(*b*) subject to the approval of the council, any sum required in connection with the settlement of any claim made against the chief constable by virtue of this section.

Indemnifying police officers

(4) The council of a municipality may, in such cases and to such extent as it thinks fit, pay any damages or costs awarded against a member of the police force maintained by them or any special constable in proceedings for a tort committed by him, any costs incurred and not recovered by him in any such proceedings, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.

Application

(2) Section 23 of *The Police Act*, as re-enacted by subsection 1, does not apply in respect of acts of members of police forces occurring before the 1st day of July, 1965.

R.S.O. 1960, c. 298, amended

7. *The Police Act* is amended by adding thereto the following sections:

AMALGAMATIONS

Amalgmations of police forces

25*a*.—(1) Notwithstanding any other Act, two or more municipalities having police forces may enter into an agreement for the amalgamation of their police forces, and the agreement shall not take effect until it is approved by the Commission.

Agreement

(2) An agreement under subsection 1 shall provide for,

(*a*) the establishment and composition of a board for the amalgamated police forces;

(*b*) the amalgamation of the police forces into one police force for the amalgamated area and the appointment or transfer of the members thereof;

(*c*) the use and disposition of the assets and liabilities of the component police forces by the amalgamated board;

SECTION 7. The new section provides the authority necessary for voluntary amalgamation of police forces by two or more municipalities.

SECTION 8. The amendment adds to the functions of the Ontario Police Commission the establishment and control of an intercommunication system for police forces in Ontario.

SECTION 9. Section 45*c* of the Act is amended to ensure that the Ontario Police Commission is informed of the appointment of auxiliary police, and enlarges the occasions on which auxiliary police may be used.

The repealed section 45*d* provides for the Commissioner of the Ontario Provincial Police to command and control municipal police forces in an emergency under *The Emergency Measures Act, 1962-63*.

(*d*) the budgeting of the cost for the maintenance and operation of the amalgamated police force;

(*e*) any other matter necessary or advisable for the purpose of effecting the amalgamation of the police forces.

Approval of police force of amalgamated municipality

25*b*. Where two or more municipalities are amalgamated, the amalgamation of the police forces shall not take effect until the organization of the amalgamated police force has been approved by the Commission.

R.S.O. 1960, c. 298, s. 39*b* (1962-63, c. 106, s. 4), amended

8. Section 39*b* of *The Police Act*, as enacted by section 4 of *The Police Amendment Act, 1962-63* and amended by section 12 of *The Police Amendment Act, 1964*, is further amended by adding thereto the following clause:

(*fa*) subject to the approval of the Attorney General, to establish and require the installation of an intercommunication system for the police forces in Ontario and to govern its operation and procedures.

R.S.O. 1960, c. 298, s. 45*c* (1960-61, c. 77, s. 1), re-enacted; s. 45*d* (1960-61, c. 77, s. 1), repealed

9. Sections 45*c* and 45*d* of *The Police Act*, as enacted by section 1 of *The Police Amendment Act, 1960-61*, are repealed and the following substituted therefor:

Appointment of auxiliary police

45*c*.—(1) An authority empowered to appoint members of a police force may appoint auxiliary members in a number approved by the Commission, but not exceeding the number of other members of the force.

Approval of appointment and notice of termination

(2) The appointment of an auxiliary member of a police force is subject to the approval of the Commission, and written notice of the suspension or termination of the appointment of an auxiliary member shall be forthwith transmitted to the Commission.

Authority

(3) Where an emergency exists or where the members of a police force are not adequate to meet a special occasion, the chief constable or the Commissioner, as the case may be, may authorize auxiliary members of the force to perform police duties, and while so authorized an auxiliary member becomes a constable and has authority to act as a constable of the force.

Oath

(4) Every authority appointing an auxiliary member of a police force shall require him to take and subscribe to an oath in a form prescribed by the regulations.

R.S.O. 1960, c. 298, s. 48, subs. 1, cl. *a*, amended

10.—(1) Clause *a* of subsection 1 of section 48 of *The Police Act* is amended by inserting after "investigation" in the fourth line "including the cost of reporting and transcribing the evidence", so that the clause shall read as follows:

(*a*) at the request of the council of any municipality, in which case the municipality, unless the Attorney General otherwise directs, shall pay the cost of the investigation, including the cost of reporting and transcribing the evidence; or

. . . . .

R.S.O. 1960, c. 298, s. 48, subs. 1, cl. *b*, amended

(2) Clause *b* of subsection 1 of the said section 48 is amended by inserting after "investigation" in the second line "including the cost of reporting and transcribing the evidence", so that the clause shall read as follows:

(*b*) without the request of the council of a municipality, in which case the cost of the investigation, including the cost of reporting and transcribing the evidence, shall be paid out of the Consolidated Revenue Fund.

R.S.O. 1960, c. 298, s. 48, amended

(3) The said section 48, as amended by subsections 1 and 3 of section 9 of *The Police Amendment Act, 1961-62* and section 16 of *The Police Amendment Act, 1964*, is further amended by adding thereto the following subsection;

Inquiry as to amalgamation of police forces

(1*a*) The Commission may inquire into and report to the Attorney General on the advisability of amalgamating the police forces of any two or more municipalities and any question, matter or thing relating thereto.

R.S.O. 1960, c. 298, s. 48, amended

(4) The said section 48 is further amended by adding thereto the following subsection:

Counsel

(2*a*) The Attorney General may, upon the request of the Commission, appoint counsel to assist the Commission in an inquiry or investigation under this section.

R.S.O. 1960, c. 298, s. 48, amended

(5) The said section 48 is further amended by adding thereto the following subsection:

Payment of witnesses

(4) The Commission may grant to a person attending to give evidence at an inquiry or investigation under this section such fees and expenses as are set out in the Schedule to *The Crown Witnesses Act*.

R.S.O. 1960, c. 48

SECTION 10—Subsections 1 and 2. The amendments clarify that the costs required to be paid on an investigation by the Ontario Police Commission into the conduct of municipal police officers include the cost of reporting and transcribing the evidence.

Subsections 3, 4 and 5. Self-explanatory.

SECTION 11. The amendment brings the terminology into line with the present-day organization of the Canadian army.

SECTION 12. The amendment provides that special constables appointed by the Commissioner of the Ontario Provincial Police may be given authority to act throughout Ontario and ensures that the Ontario Police Commission is informed of all appointments of special constables.

SECTION 13. The amendment transfers the operation of the Ontario Police College to the Ontario Police Commission, which is responsible to the Attorney General.

11. Section 56 of *The Police Act* is amended by striking out "active militia" in the second line and inserting in lieu thereof "Canadian army", so that the section shall read as follows: R.S.O. 1960, c. 298, s. 56, amended

56. The expenses of and incidental to the calling out of the Canadian army in aid of the civil powers shall be paid by the corporation of the city or separated town wherein their services are required, and in the case of other municipalities by the county. Canadian army, calling out

12.—(1) Subsection 1 of section 58 of *The Police Act* is amended by striking out "The Commissioner" at the commencement thereof and inserting in lieu thereof "Subject to section 46", so that the subsection shall read as follows: R.S.O. 1960, c. 298, s. 58, subs. 1, amended

(1) Subject to section 46, a county court judge, a district court judge or a magistrate may, by written authority, appoint any person to act as special constable for such period, area and purpose as he deems expedient. Special constables

(2) Subsection 2 of the said section 58, as re-enacted by section 13 of *The Police Amendment Act, 1961-62* and amended by subsection 1 of section 21 of *The Police Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 58, subs. 2 (1961-62, c. 105, s. 13), re-enacted

(2) The Commissioner may, by written authority, appoint any person to act as a special constable for such period, area and purpose as he deems expedient, and, notwithstanding section 46, such special constable may be authorized to act as a constable throughout Ontario. Appointment by Commissioner

(2*a*) Every appointment as a special constable is subject to the approval of the Commission. Approval of Commission

13.—(1) Section 61 of *The Police Act* is amended by striking out "and the Attorney General shall preside over and have charge of the College" in the third and fourth lines, so that subsection 1 of the said section shall read as follows: R.S.O. 1960, c. 298, s. 61, amended

(1) There shall be a police college to be known as the Ontario Police College for the training of members of police forces. Ontario Police College

(2) The said section 61 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 298, s. 61, amended

(2) The Commission shall operate the Ontario Police College and is responsible to the Attorney General therefor. Commission to operate College

R.S.O. 1960, c. 298, s. 62, subs. 1, amended

14.—(1) Subsection 1 of section 62 of *The Police Act* is amended by adding thereto the following clause:

(*aa*) providing for the payment of fees and expenses to witnesses at hearings in connection with the discipline of police officers.

R.S.O. 1960, c. 298, s. 62, subs. 1, cl. *b*, re-enacted

(2) Clause *b* of subsection 1 of the said section 62 is repealed and the following substituted therefor:

(*b*) governing the qualifications for the appointment of persons to police forces and for their promotion;

(*ba*) establishing the ranks that shall be held by members of police forces;

(*bb*) prescribing the form of oath that shall be taken by auxiliary members of police forces.

1961-62, c. 105, ss. 3, 4, repealed

15.—(1) Sections 3 and 4 of *The Police Amendment Act, 1961-62* are repealed.

1961-62, c. 105, s. 14, subs. 1, amended

(2) Subsection 1 of section 14 of *The Police Amendment Act, 1961-62* is amended by striking out "except sections 3 and 4" in the first line.

1961-62, c. 105, s. 14, subs. 2, repealed

(3) Subsection 2 of section 14 of *The Police Amendment Act, 1961-62* is repealed.

Commencement

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. This Act may be cited as *The Police Amendment Act, 1965*.

SECTION 14. The amendments add matters that may be provided by regulations.

SECTION 15. The provisions repealed have not been proclaimed.

1st Reading

May 5th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 123

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Police Act

MR. WISHART

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. The provision added provides for the exemption of towns of less than 2,000 from the requirement to establish and maintain police forces, in special circumstances.

SECTION 2. The amendment requires a board of police commissioners in all local municipalities having a population of more than 15,000.

BILL 123 **1965**

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Police Act*, as amended by section 2 of *The Police Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 298, s. 2, amended

(1*a*) The Lieutenant Governor in Council may in special circumstances exempt any town having a population of less than 2,000 according to the last revised assessment roll from the application of subsection 1, and such exemption continues in effect until it is revoked. Exemption of towns of less than 2,000

2. Subsection 1 of section 7 of *The Police Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 7, subs. 1, re-enacted

(1) Notwithstanding any special Act, every local municipality that provides and maintains a police force and that has a population of more than 15,000 according to the last revised assessment roll shall have a a board, and, Creation of board

(*a*) any county or town having a population of 15,000 or less according to the last revised assessment roll;

(*b*) any village or township having a population of more than 5,000 and not more than 15,000 according to the last revised assessment roll; and

(*c*) with the consent of the Attorney General, any village or township having a population of 5,000 or less according to the last revised assessment roll,

that provides and maintains a police force may, by by-law, constitute a board.

R.S.O. 1960, c. 298, s. 8, subs. 2, cl. *a*, amended

3.—(1) Clause *a* of subsection 2 of section 8 of *The Police Act* is amended by striking out "one" in the first line and inserting in lieu thereof "each", so that the clause shall read as follows:

[(*a*) the head of the council of each of the municipalities.

R.S.O. 1960, c. 298, s. 8, subs. 2, cl. *b*, re-enacted; cl. *c*, repealed

(2) Clauses *b* and *c* of subsection 2 of the said section 8 are repealed and the following substituted therefor:

(*b*) such judge and such other persons as the Lieutenant Governor in Council designates.

R.S.O. 1960, c. 298, s. 13 (1964, c. 92, s. 7), re-enacted

4. Section 13 of *The Police Act*, as re-enacted by section 7 of *The Police Amendment Act, 1964*, is repealed and the following substituted therefor:

Composition of police force

13.—(1) Subject to subsection 3 and to clause *ea* of section 39*b*, the police force in a municipality having a board shall consist of a chief constable and such other police officers and such constables, assistants and civilian employees as the board deems adequate, and shall be provided with such accommodation, arms, equipment, clothing and other things as the board deems adequate.

Estimates

(2) Every board shall, on or before the 1st day of March in each year, prepare and submit to the council for its consideration and approval its estimates of all moneys required for the year to pay the remuneration of the members of the police force and to provide and pay for the accommodation, arms, equipment and other things for the use and maintenance of the force.

Appeal to Commission

(3) Where the council does not agree with the board on the estimates or on the adequacy of the number of members of the police force or the accommodation, arms, equipment or other things for the use and maintenance of the force, the Commission shall determine the question after a hearing.

R.S.O. 1960, c. 298, ss. 18-20, re-enacted

5. Sections 18, 19 and 20 of *The Police Act* are repealed and the following substituted therefor:

Municipalities that may have own police forces

18. Any county, township or village not required to establish a police force under section 2 may, with the approval of the Commission, establish a police force.

SECTION 3. Where a joint board of police commissioners is established, the amendment alters the composition of the board to include the head of the council of each participating municipality and such other persons, including a judge, as are appointed by the Lieutenant Governor in Council.

SECTION 4. The amendment adds accommodation, arms, equipment and clothing to the matters that are subject to the negotiation procedures between the board of police commissioners and the council and incorporates section 18 of the Act dealing with the submission of estimates to the council.

SECTION 5. The repealed section 18 of the Act is included in section 13 as re-enacted by section 4 of this Bill. Sections 19 and 20 are re-enacted to simplify the wording and make it standard with the corresponding provision applying to municipalities having boards of police commissioners. The establishment of a police force by a municipality not required to do so under section 2 of the Act is made subject to the approval of the Ontario Police Commission.

SECTION 6. The repealed section 22 is now covered by subsection 2 of section 19 of the Act as re-enacted by section 5 of this Bill. The repealed section 23 provides for the retention by a municipal police officer of fees of his office. The repealed section 24 is replaced by subsection 4 of the new section 23. The provisions added make civilian employees in police forces members of the force and provide for municipal liability for damages caused by a police officer in the course of his employment together with the procedures for recovering.

19.—(1) Where a municipality that has established a police force does not have a board, the council shall appoint the members of the police force. Appointment of members where no board

(2) Subject to clause *ea* of section 39*b*, the members of a police force referred to in subsection 1 shall consist of one or more constables and such other police officers, assistants and civilian employees as the council deems adequate, and the council shall provide and pay for such accommodation, arms, equipment, clothing and other things as the council deems adequate. Composition of police force

(3) Where a police force has two or more constables, the council may appoint one constable to be chief constable. Idem

20. The trustees of a police village may, with the approval of the Commission, establish a police force, and where they do so the trustees shall carry out the duties of a council under section 19, and section 19 applies *mutatis mutandis*. Police village

6.—(1) Sections 22, 23 and 24 of *The Police Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 298, ss. 22, 23, re-enacted; s. 24, repealed

22. Every person employed in a police force shall be deemed to be a member thereof. Employees deemed members

23.—(1) The chief constable of a police force is liable in respect of torts committed by members of the police force under his direction and control in the performance or purported performance of their duties in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such torts be treated for all purposes as a joint tortfeasor. Liability for torts

(2) Where a chief constable is liable in respect of a tort committed by him in the performance or purported performance of his duties, he is also liable and may be sued separately in his capacity as chief constable for the purposes of subsection 4. Torts of chief constable

(3) Where the office of chief constable of a police force is vacant or where there is no chief constable, the head of the council shall be deemed to be the chief constable for the purposes of this section. Where office of chief constable vacant

(4) The municipality shall pay, Payment by municipality

(*a*) any damages or costs awarded against the chief constable in any proceeding brought

against him by virtue of this section and any costs incurred by him in any such proceeding so far as not recovered by him in the proceedings; and

(*b*) subject to the approval of the council, any sum required in connection with the settlement of any claim made against the chief constable by virtue of this section.

Indemnifying police officers

(5) The council of a municipality may, in such cases and to such extent as it thinks fit, pay any damages or costs awarded against a member of the police force maintained by them or any special constable in proceedings for a tort committed by him, any costs incurred and not recovered by him in any such proceedings, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.

Application

(2) Section 23 of *The Police Act*, as re-enacted by subsection 1, does not apply in respect of acts of members of police forces occurring before the 1st day of January, 1966.

R.S.O. 1960, c. 298, amended

7. *The Police Act* is amended by adding thereto the following sections:

AMALGAMATIONS

Amalgmations of police forces

25*a*.—(1) Notwithstanding any other Act, two or more municipalities having police forces may enter into an agreement for the amalgamation of their police forces, and the agreement shall not take effect until it is approved by the Commission.

Agreement

(2) An agreement under subsection 1 shall provide for,

(*a*) the establishment and composition of a board for the amalgamated police forces;

(*b*) the amalgamation of the police forces into one police force for the amalgamated area and the appointment or transfer of the members thereof;

(*c*) the use and disposition of the assets and liabilities of the component police forces by the amalgamated board;

SECTION 7. The new section provides the authority necessary for voluntary amalgamation of police forces by two or more municipalities.

SECTION 8. The amendment adds to the functions of the Ontario Police Commission the establishment and control of an intercommunication system for police forces in Ontario.

SECTION 9. Section 45*c* of the Act is amended to ensure that the Ontario Police Commission is informed of the appointment of auxiliary police, and enlarges the occasions on which auxiliary police may be used.

The repealed section 45*d* provides for the Commissioner of the Ontario Provincial Police to command and control municipal police forces in an emergency under *The Emergency Measures Act, 1962-63*.

(*d*) the budgeting of the cost for the maintenance and operation of the amalgamated police force;

(*e*) any other matter necessary or advisable for the purpose of effecting the amalgamation of the police forces.

Approval of police force of amalgamated municipality

25*b*. Where two or more municipalities are amalgamated, the amalgamation of the police forces shall not take effect until the organization of the amalgamated police force has been approved by the Commission.

R.S.O. 1960, c. 298, s. 39*b* (1962-63, c. 106, s. 4), amended

8. Section 39*b* of *The Police Act*, as enacted by section 4 of *The Police Amendment Act, 1962-63* and amended by section 12 of *The Police Amendment Act, 1964*, is further amended by adding thereto the following clause:

(*fa*) subject to the approval of the Attorney General, to establish and require the installation of an intercommunication system for the police forces in Ontario and to govern its operation and procedures.

R.S.O. 1960, c. 298, s. 45*c* (1960-61, c. 77, s. 1), re-enacted; s. 45*d* (1960-61, c. 77, s. 1), repealed

9. Sections 45*c* and 45*d* of *The Police Act*, as enacted by section 1 of *The Police Amendment Act, 1960-61*, are repealed and the following substituted therefor:

Appointment of auxiliary police

45*c*.—(1) An authority empowered to appoint members of a police force may appoint auxiliary members in a number approved by the Commission, but not exceeding the number of other members of the force.

Approval of appointment and notice of termination

(2) The appointment of an auxiliary member of a police force is subject to the approval of the Commission, and written notice of the suspension or termination of the appointment of an auxiliary member shall be forthwith transmitted to the Commission.

Authority

(3) Where an emergency exists or where the members of a police force are not adequate to meet a special occasion, the chief constable or the Commissioner, as the case may be, may authorize auxiliary members of the force to perform police duties, and while so authorized an auxiliary member becomes a constable and has authority to act as a constable of the force.

Oath

(4) Every authority appointing an auxiliary member of a police force shall require him to take and subscribe to an oath in a form prescribed by the regulations.

R.S.O. 1960, c. 298, s. 48, subs. 1, cl. *a*, amended

10.—(1) Clause *a* of subsection 1 of section 48 of *The Police Act* is amended by inserting after "investigation" in the fourth line "including the cost of reporting and transcribing the evidence", so that the clause shall read as follows:

(*a*) at the request of the council of any municipality, in which case the municipality, unless the Attorney General otherwise directs, shall pay the cost of the investigation, including the cost of reporting and transcribing the evidence; or

. . . . .

R.S.O. 1960, c. 298, s. 48, subs. 1, cl. *b*, amended

(2) Clause *b* of subsection 1 of the said section 48 is amended by inserting after "investigation" in the second line "including the cost of reporting and transcribing the evidence", so that the clause shall read as follows:

(*b*) without the request of the council of a municipality, in which case the cost of the investigation, including the cost of reporting and transcribing the evidence, shall be paid out of the Consolidated Revenue Fund.

R.S.O. 1960, c. 298, s. 48, amended

(3) The said section 48, as amended by subsections 1 and 3 of section 9 of *The Police Amendment Act, 1961-62* and section 16 of *The Police Amendment Act, 1964*, is further amended by adding thereto the following subsection;

Inquiry as to amalgamation of police forces

(1*a*) The Commission may inquire into and report to the Attorney General on the advisability of amalgamating the police forces of any two or more municipalities and any question, matter or thing relating thereto.

R.S.O. 1960, c. 298, s. 48, amended

(4) The said section 48 is further amended by adding thereto the following subsection:

Counsel

(2*a*) The Attorney General may, upon the request of the Commission, appoint counsel to assist the Commission in an inquiry or investigation under this section.

R.S.O. 1960, c. 298, s. 48, amended

(5) The said section 48 is further amended by adding thereto the following subsection:

Payment of witnesses

(4) The Commission may grant to a person attending to give evidence at an inquiry or investigation under this section such fees and expenses as are set out in the Schedule to *The Crown Witnesses Act*.

R.S.O. 1960, c. 48

SECTION 10—Subsections 1 and 2. The amendments clarify that the costs required to be paid on an investigation by the Ontario Police Commission into the conduct of municipal police officers include the cost of reporting and transcribing the evidence.

Subsections 3, 4 and 5. Self-explanatory.

SECTION 11. The amendment brings the terminology into line with the present-day organization of the Canadian army.

SECTION 12. The amendment provides that special constables appointed by the Commissioner of the Ontario Provincial Police may be given authority to act throughout Ontario and ensures that the Ontario Police Commission is informed of all appointments of special constables.

SECTION 13. The amendment transfers the operation of the Ontario Police College to the Ontario Police Commission, which is responsible to the Attorney General.

11. Section 56 of *The Police Act* is amended by striking out "active militia" in the second line and inserting in lieu thereof "Canadian army", so that the section shall read as follows: R.S.O. 1960, c. 298, s. 56, amended

56. The expenses of and incidental to the calling out of the Canadian army in aid of the civil powers shall be paid by the corporation of the city or separated town wherein their services are required, and in the case of other municipalities by the county. Canadian army, calling out

12.—(1) Subsection 1 of section 58 of *The Police Act* is amended by striking out "The Commissioner" at the commencement thereof and inserting in lieu thereof "Subject to section 46", so that the subsection shall read as follows: R.S.O. 1960, c. 298, s. 58, subs. 1, amended

(1) Subject to section 46, a county court judge, a district court judge or a magistrate may, by written authority, appoint any person to act as special constable for such period, area and purpose as he deems expedient. Special constables

(2) Subsection 2 of the said section 58, as re-enacted by section 13 of *The Police Amendment Act, 1961-62* and amended by subsection 1 of section 21 of *The Police Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 58, subs. 2 (1961-62, c. 105, s. 13), re-enacted

(2) The Commissioner may, by written authority, appoint any person to act as a special constable for such period, area and purpose as he deems expedient, and, notwithstanding section 46, such special constable may be authorized to act as a constable throughout Ontario. Appointment by Commissioner

(2*a*) Every appointment as a special constable is subject to the approval of the Commission. Approval of Commission

13.—(1) Section 61 of *The Police Act* is amended by striking out "and the Attorney General shall preside over and have charge of the College" in the third and fourth lines, so that subsection 1 of the said section shall read as follows: R.S.O. 1960, c. 298, s. 61, amended

(1) There shall be a police college to be known as the Ontario Police College for the training of members of police forces. Ontario Police College

(2) The said section 61 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 298, s. 61, amended

(2) The Commission shall operate the Ontario Police College and is responsible to the Attorney General therefor. Commission to operate College

R.S.O. 1960, c. 298, s. 62, subs. 1, amended

14.—(1) Subsection 1 of section 62 of *The Police Act* is amended by adding thereto the following clause:

(*aa*) providing for the payment of fees and expenses to witnesses at hearings in connection with the discipline of police officers.

R.S.O. 1960, c. 298, s. 62, subs. 1, cl. *b*, re-enacted

(2) Clause *b* of subsection 1 of the said section 62 is repealed and the following substituted therefor:

(*b*) governing the qualifications for the appointment of persons to police forces and for their promotion;

(*ba*) establishing the ranks that shall be held by members of police forces;

(*bb*) prescribing the form of oath that shall be taken by auxiliary members of police forces.

1961-62, c. 105, ss. 3, 4, repealed

15.—(1) Sections 3 and 4 of *The Police Amendment Act, 1961-62* are repealed.

1961-62, c. 105, s. 14, subs. 1, amended

(2) Subsection 1 of section 14 of *The Police Amendment Act, 1961-62* is amended by striking out "except sections 3 and 4" in the first line.

1961-62, c. 105, s. 14, subs. 2, repealed

(3) Subsection 2 of section 14 of *The Police Amendment Act, 1961-62* is repealed.

Commencement

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. This Act may be cited as *The Police Amendment Act, 1965*.

SECTION 14. The amendments add matters that may be provided by regulations.

SECTION 15. The provisions repealed have not been proclaimed.

1st Reading

May 5th, 1965

2nd Reading

May 11th, 1965

3rd Reading

MR. WISHART

(Reprinted as amended by the Committee of the Whole House)

1965

BILL 123

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Police Act

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 123 **1965**

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Police Act*, as amended by section 2 of *The Police Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 298, s. 2, amended

(1*a*) The Lieutenant Governor in Council may in special circumstances exempt any town having a population of less than 2,000 according to the last revised assessment roll from the application of subsection 1, and such exemption continues in effect until it is revoked. Exemption of towns of less than 2,000

2. Subsection 1 of section 7 of *The Police Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 7, subs. 1, re-enacted

(1) Notwithstanding any special Act, every local municipality that provides and maintains a police force and that has a population of more than 15,000 according to the last revised assessment roll shall have a a board, and, Creation of board

(*a*) any county or town having a population of 15,000 or less according to the last revised assessment roll;

(*b*) any village or township having a population of more than 5,000 and not more than 15,000 according to the last revised assessment roll; and

(*c*) with the consent of the Attorney General, any village or township having a population of 5,000 or less according to the last revised assessment roll,

that provides and maintains a police force may, by by-law, constitute a board.

R.S.O. 1960, c. 298, s. 8, subs. 2, cl. *a*, amended

3.—(1) Clause *a* of subsection 2 of section 8 of *The Police Act* is amended by striking out "one" in the first line and inserting in lieu thereof "each", so that the clause shall read as follows:

(*a*) the head of the council of each of the municipalities.

R.S.O. 1960, c. 298, s. 8, subs. 2, cl. *b*, re-enacted; cl. *c*, repealed

(2) Clauses *b* and *c* of subsection 2 of the said section 8 are repealed and the following substituted therefor:

(*b*) such judge and such other persons as the Lieutenant Governor in Council designates.

R.S.O. 1960, c. 298, s. 13 (1964, c. 92, s. 7), re-enacted

4. Section 13 of *The Police Act*, as re-enacted by section 7 of *The Police Amendment Act, 1964*, is repealed and the following substituted therefor:

Composition of police force

13.—(1) Subject to subsection 3 and to clause *ea* of section 39*b*, the police force in a municipality having a board shall consist of a chief constable and such other police officers and such constables, assistants and civilian employees as the board deems adequate, and shall be provided with such accommodation, arms, equipment, clothing and other things as the board deems adequate.

Estimates

(2) Every board shall, on or before the 1st day of March in each year, prepare and submit to the council for its consideration and approval its estimates of all moneys required for the year to pay the remuneration of the members of the police force and to provide and pay for the accommodation, arms, equipment and other things for the use and maintenance of the force.

Appeal to Commission

(3) Where the council does not agree with the board on the estimates or on the adequacy of the number of members of the police force or the accommodation, arms, equipment or other things for the use and maintenance of the force, the Commission shall determine the question after a hearing.

R.S.O. 1960, c. 298, ss. 18-20, re-enacted

5. Sections 18, 19 and 20 of *The Police Act* are repealed and the following substituted therefor:

Municipalities that may have own police forces

18. Any county, township or village not required to establish a police force under section 2 may, with the approval of the Commission, establish a police force.

19.—(1) Where a municipality that has established a police force does not have a board, the council shall appoint the members of the police force. Appointment of members where no board

(2) Subject to clause *ea* of section 39*b*, the members of a police force referred to in subsection 1 shall consist of one or more constables and such other police officers, assistants and civilian employees as the council deems adequate, and the council shall provide and pay for such accommodation, arms, equipment, clothing and other things as the council deems adequate. Composition of police force

(3) Where a police force has two or more constables, the council may appoint one constable to be chief constable. Idem

20. The trustees of a police village may, with the approval of the Commission, establish a police force, and where they do so the trustees shall carry out the duties of a council under section 19, and section 19 applies *mutatis mutandis*. Police village

R.S.O. 1960, c. 298, ss. 22, 23, re-enacted; s. 24, repealed

6.—(1) Sections 22, 23 and 24 of *The Police Act* are repealed and the following substituted therefor:

22. Every person employed in a police force shall be deemed to be a member thereof. Employees deemed members

23.—(1) The chief constable of a police force is liable in respect of torts committed by members of the police force under his direction and control in the performance or purported performance of their duties in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such torts be treated for all purposes as a joint tortfeasor. Liability for torts

(2) Where a chief constable is liable in respect of a tort committed by him in the performance or purported performance of his duties, he is also liable and may be sued separately in his capacity as chief constable for the purposes of subsection 4. Torts of chief constable

(3) Where the office of chief constable of a police force is vacant or where there is no chief constable, the head of the council shall be deemed to be the chief constable for the purposes of this section. Where office of chief constable vacant

(4) The municipality shall pay, Payment by municipality

(*a*) any damages or costs awarded against the chief constable in any proceeding brought

against him by virtue of this section and any costs incurred by him in any such proceeding so far as not recovered by him in the proceedings; and

(*b*) subject to the approval of the council, any sum required in connection with the settlement of any claim made against the chief constable by virtue of this section.

Indemnifying police officers

(5) The council of a municipality may, in such cases and to such extent as it thinks fit, pay any damages or costs awarded against a member of the police force maintained by them or any special constable in proceedings for a tort committed by him, any costs incurred and not recovered by him in any such proceedings, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.

Application

(2) Section 23 of *The Police Act*, as re-enacted by subsection 1, does not apply in respect of acts of members of police forces occurring before the 1st day of January, 1966.

R.S.O. 1960, c. 298, amended

7. *The Police Act* is amended by adding thereto the following sections:

AMALGAMATIONS

Amalgamations of police forces

25*a*.—(1) Notwithstanding any other Act, two or more municipalities having police forces may enter into an agreement for the amalgamation of their police forces, and the agreement shall not take effect until it is approved by the Commission.

Agreement

(2) An agreement under subsection 1 shall provide for,

(*a*) the establishment and composition of a board for the amalgamated police forces;

(*b*) the amalgamation of the police forces into one police force for the amalgamated area and the appointment or transfer of the members thereof;

(*c*) the use and disposition of the assets and liabilities of the component police forces by the amalgamated board;

(*d*) the budgeting of the cost for the maintenance and operation of the amalgamated police force;

(*e*) any other matter necessary or advisable for the purpose of effecting the amalgamation of the police forces.

Approval of police force of amalgamated municipality

25*b*. Where two or more municipalities are amalgamated, the amalgamation of the police forces shall not take effect until the organization of the amalgamated police force has been approved by the Commission.

R.S.O. 1960, c. 298, s. 39*b* (1962-63, c. 106, s. 4), amended

8. Section 39*b* of *The Police Act*, as enacted by section 4 of *The Police Amendment Act, 1962-63* and amended by section 12 of *The Police Amendment Act, 1964*, is further amended by adding thereto the following clause:

(*fa*) subject to the approval of the Attorney General, to establish and require the installation of an intercommunication system for the police forces in Ontario and to govern its operation and procedures.

R.S.O. 1960, c. 298, s. 45*c* (1960-61, c. 77, s. 1), re-enacted; s. 45*d* (1960-61, c. 77, s. 1), repealed

9. Sections 45*c* and 45*d* of *The Police Act*, as enacted by section 1 of *The Police Amendment Act, 1960-61*, are repealed and the following substituted therefor:

Appointment of auxiliary police

45*c*.—(1) An authority empowered to appoint members of a police force may appoint auxiliary members in a number approved by the Commission, but not exceeding the number of other members of the force.

Approval of appointment and notice of termination

(2) The appointment of an auxiliary member of a police force is subject to the approval of the Commission, and written notice of the suspension or termination of the appointment of an auxiliary member shall be forthwith transmitted to the Commission.

Authority

(3) Where an emergency exists or where the members of a police force are not adequate to meet a special occasion, the chief constable or the Commissioner, as the case may be, may authorize auxiliary members of the force to perform police duties, and while so authorized an auxiliary member becomes a constable and has authority to act as a constable of the force.

Oath

(4) Every authority appointing an auxiliary member of a police force shall require him to take and subscribe to an oath in a form prescribed by the regulations.

R.S.O. 1960, c. 298, s. 48, subs. 1, cl. *a*, amended

10.—(1) Clause *a* of subsection 1 of section 48 of *The Police Act* is amended by inserting after "investigation" in the fourth line "including the cost of reporting and transcribing the evidence", so that the clause shall read as follows:

(*a*) at the request of the council of any municipality, in which case the municipality, unless the Attorney General otherwise directs, shall pay the cost of the investigation, including the cost of reporting and transcribing the evidence; or

. . . . .

R.S.O. 1960, c. 298, s. 48, subs. 1, cl. *b*, amended

(2) Clause *b* of subsection 1 of the said section 48 is amended by inserting after "investigation" in the second line "including the cost of reporting and transcribing the evidence", so that the clause shall read as follows:

(*b*) without the request of the council of a municipality, in which case the cost of the investigation, including the cost of reporting and transcribing the evidence, shall be paid out of the Consolidated Revenue Fund.

R.S.O. 1960, c. 298, s. 48, amended

(3) The said section 48, as amended by subsections 1 and 3 of section 9 of *The Police Amendment Act, 1961-62* and section 16 of *The Police Amendment Act, 1964*, is further amended by adding thereto the following subsection;

Inquiry as to amalgamation of police forces

(1*a*) The Commission may inquire into and report to the Attorney General on the advisability of amalgamating the police forces of any two or more municipalities and any question, matter or thing relating thereto.

R.S.O. 1960, c. 298, s. 48, amended

(4) The said section 48 is further amended by adding thereto the following subsection:

Counsel

(2*a*) The Attorney General may, upon the request of the Commission, appoint counsel to assist the Commission in an inquiry or investigation under this section.

R.S.O. 1960, c. 298, s. 48, amended

(5) The said section 48 is further amended by adding thereto the following subsection:

Payment of witnesses

(4) The Commission may grant to a person attending to give evidence at an inquiry or investigation under this section such fees and expenses as are set out in the Schedule to *The Crown Witnesses Act*.

R.S.O. 1960, c. 48

11. Section 56 of *The Police Act* is amended by striking out "active militia" in the second line and inserting in lieu thereof "Canadian army", so that the section shall read as follows: R.S.O. 1960, c. 298, s. 56, amended

56. The expenses of and incidental to the calling out of the Canadian army in aid of the civil powers shall be paid by the corporation of the city or separated town wherein their services are required, and in the case of other municipalities by the county. Canadian army, calling out

12.—(1) Subsection 1 of section 58 of *The Police Act* is amended by striking out "The Commissioner" at the commencement thereof and inserting in lieu thereof "Subject to section 46", so that the subsection shall read as follows: R.S.O. 1960, c. 298, s. 58, subs. 1, amended

(1) Subject to section 46, a county court judge, a district court judge or a magistrate may, by written authority, appoint any person to act as special constable for such period, area and purpose as he deems expedient. Special constables

(2) Subsection 2 of the said section 58, as re-enacted by section 13 of *The Police Amendment Act, 1961-62* and amended by subsection 1 of section 21 of *The Police Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 298, s. 58, subs. 2 (1961-62, c. 105, s. 13), re-enacted

(2) The Commissioner may, by written authority, appoint any person to act as a special constable for such period, area and purpose as he deems expedient, and, notwithstanding section 46, such special constable may be authorized to act as a constable throughout Ontario. Appointment by Commissioner

(2*a*) Every appointment as a special constable is subject to the approval of the Commission. Approval of Commission

13.—(1) Section 61 of *The Police Act* is amended by striking out "and the Attorney General shall preside over and have charge of the College" in the third and fourth lines, so that subsection 1 of the said section shall read as follows: R.S.O. 1960, c. 298, s. 61, amended

(1) There shall be a police college to be known as the Ontario Police College for the training of members of police forces. Ontario Police College

(2) The said section 61 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 298, s. 61, amended

(2) The Commission shall operate the Ontario Police College and is responsible to the Attorney General therefor. Commission to operate College

R.S.O. 1960, c. 298, s. 62, subs. 1, amended

14.—(1) Subsection 1 of section 62 of *The Police Act* is amended by adding thereto the following clause:

(*aa*) providing for the payment of fees and expenses to witnesses at hearings in connection with the discipline of police officers.

R.S.O. 1960, c. 298, s. 62, subs. 1, cl. *b*, re-enacted

(2) Clause *b* of subsection 1 of the said section 62 is repealed and the following substituted therefor:

(*b*) governing the qualifications for the appointment of persons to police forces and for their promotion;

(*ba*) establishing the ranks that shall be held by members of police forces;

(*bb*) prescribing the form of oath that shall be taken by auxiliary members of police forces.

1961-62, c. 105, ss. 3, 4, repealed

15.—(1) Sections 3 and 4 of *The Police Amendment Act, 1961-62* are repealed.

1961-62, c. 105, s. 14, subs. 1, amended

(2) Subsection 1 of section 14 of *The Police Amendment Act, 1961-62* is amended by striking out "except sections 3 and 4" in the first line.

1961-62, c. 105, s. 14, subs. 2, repealed

(3) Subsection 2 of section 14 of *The Police Amendment Act, 1961-62* is repealed.

Commencement

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. This Act may be cited as *The Police Amendment Act, 1965*.

1st Reading

May 5th, 1965

2nd Reading

May 11th, 1965

3rd Reading

June 21st, 1965

MR. WISHART

BILL 124

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Public Service Superannuation Act

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Sections 1 and 4 to 8. The purpose of these amendments is to extend the public service superannuation fund system to the class of persons (now known as the probationary staff) that heretofore has been covered by the public service retirement fund system.

A further amendment in section 1 makes it clear that the Provincial Auditor, the Assistant Provincial Auditor and the members of the staff of the Provincial Auditor are within Part I of the Act.

Section 2. The purpose of this new subsection is to permit interest to be earned on sums paid into the Public Service Superannuation Fund as required by *The Pension Benefits Act, 1962-63*.

Section 3. The present subsection 1 of section 26 of the Act is obsolete; it is replaced by a new subsection that gives an option to teachers who become civil servants and continue teaching.

The amendment to subsection 2 of section 26 of the Act removes an obsolete date.

The amendment to subsection 3 of section 26 of the Act will accommodate changes that occur in the interest rate from time to time.

BILL 124 **1965**

An Act to amend The Public Service Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Public Service Superannuation Act*, as amended by subsection 2 of section 1 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 332, s. 1, cl. *d*, re-enacted

(*d*) "contributor" in Part I means a civil servant or a person in a class of persons to whom that Part is made applicable, and includes the Provincial Auditor, the Assistant Provincial Auditor and the members of the staff of the Provincial Auditor.

(2) Clause *f* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 332, s. 1, cl. *f*, re-enacted

(*f*) "Fund" means the Public Service Superannuation Fund.

2. Section 4 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 332, s. 4, amended

(4*a*) Where a payment into the Fund is made pursuant to *The Pension Benefits Act, 1962-63* with respect to the unfunded liability of the Fund, interest shall be credited to the Fund out of the Consolidated Revenue Fund at the rate of 5 per cent per annum from the date of such payment in any year to the end of the then current fiscal year. Idem 1962-63, c. 103

3.—(1) Subsection 1 of section 26 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 332, s. 26, subs. 1, re-enacted

(1) Where a person who is a contributor to the Teachers' Superannuation Fund under *The Teachers' Superannuation Act*, Teachers becoming civil servants R.S.O. 1960, c. 392

(*a*) becomes a civil servant engaged as a teacher or as an inspector or in a supervisory capacity by the Department of Education; and

(*b*) within sixty days from the date of his appointment, makes a written request to the Teachers' Superannuation Commission and to the Board,

an amount equal to his contributions and credits in the Teachers' Superannuation Fund, with accumulated interest, shall be transferred to the Fund from the Teachers' Superannuation Fund, and, where he does not make such request, this Part does not apply to him.

R.S.O. 1960, c. 332, s. 26, subs. 2, amended

(2) Subsection 2 of the said section 26 is amended by striking out "after the 1st day of July, 1953" in the third line.

R.S.O. 1960, c. 332, s. 26, subs. 3, amended

(3) Subsection 3 of the said section 26, as amended by section 11 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by striking out "interest at the rate of 4¾ per cent per annum compounded annually" in the fourth and fifth lines and in the amendment of 1960-61 and inserting in lieu thereof "accumulated interest", so that the subsection shall read as follows:

Contributors becoming teachers R.S.O. 1960, c. 392

(3) Where a former contributor who is not in receipt of an allowance or annuity is employed within the meaning of *The Teachers' Superannuation Act*, his contributions and credits in the Fund, together with accumulated interest, shall be transferred to the Teachers' Superannuation Fund.

R.S.O. 1960, c. 332, Part II (ss. 29-33), repealed

4. Part II of *The Public Service Superannuation Act*, as amended by sections 14 and 15 of *The Public Service Superannuation Amendment Act, 1960-61* and section 12 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed.

R.S.O. 1960, c. 332, s. 34, re-enacted

5. Section 34 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Custodian of Fund

34. The Treasurer is custodian of the Fund.

R.S.O. 1960, c. 332, s. 35, re-enacted

6. Section 35 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Audit

35. The Fund shall be audited by the Provincial Auditor, and he shall make an annual report in respect of the preceding fiscal year to the Lieutenant Governor in

Council, and the report shall be laid before the Assembly if it is in session or, if not, at the next ensuing session.

7. Section 37 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 332, s. 37, re-enacted

37. The interest of any person in the Fund or in any allowance, annuity, refund or other sum payable out of the Fund is not subject to garnishment, attachment, seizure or other process of law and is not assignable. No attachment, etc.

8. The amount to the credit of every person in the Public Service Retirement Fund shall be transferred to his credit in the Public Service Superannuation Fund as of the 1st day of April, 1965, and he is entitled to credit in the latter fund for a period equal to the period in respect of which he contributed to the former fund. Transfer to Public Service Superannuation Fund

9. This Act shall be deemed to have come into force on the 1st day of April, 1965. Commencement

10. This Act may be cited as *The Public Service Superannuation Amendment Act, 1965*. Short title

1st Reading

May 5th, 1965

2nd Reading

3rd Reading

MR. ALLAN

1965

BILL 124

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Public Service Superannuation Act

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 124 **1965**

An Act to amend The Public Service Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Public Service Superannuation Act*, as amended by subsection 2 of section 1 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 332, s. 1, cl. *d*, re-enacted

(*d*) "contributor" in Part I means a civil servant or a person in a class of persons to whom that Part is made applicable, and includes the Provincial Auditor, the Assistant Provincial Auditor and the members of the staff of the Provincial Auditor.

(2) Clause *f* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 332, s. 1, cl. *f*, re-enacted

(*f*) "Fund" means the Public Service Superannuation Fund.

2. Section 4 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 332, s. 4, amended

(4*a*) Where a payment into the Fund is made pursuant to *The Pension Benefits Act, 1962-63* with respect to the unfunded liability of the Fund, interest shall be credited to the Fund out of the Consolidated Revenue Fund at the rate of 5 per cent per annum from the date of such payment in any year to the end of the then current fiscal year. Idem 1962-63, c. 103

3.—(1) Subsection 1 of section 26 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 332, s. 26, subs. 1, re-enacted

(1) Where a person who is a contributor to the Teachers' Superannuation Fund under *The Teachers' Superannuation Act*, Teachers becoming civil servants R.S.O. 1960, c. 392

(*a*) becomes a civil servant engaged as a teacher or as an inspector or in a supervisory capacity by the Department of Education; and

(*b*) within sixty days from the date of his appointment, makes a written request to the Teachers' Superannuation Commission and to the Board,

an amount equal to his contributions and credits in the Teachers' Superannuation Fund, with accumulated interest, shall be transferred to the Fund from the Teachers' Superannuation Fund, and, where he does not make such request, this Part does not apply to him.

R.S.O. 1960, c. 332, s. 26, subs. 2, amended

(2) Subsection 2 of the said section 26 is amended by striking out "after the 1st day of July, 1953" in the third line.

R.S.O. 1960, c. 332, s. 26, subs. 3, amended

(3) Subsection 3 of the said section 26, as amended by section 11 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by striking out "interest at the rate of 4¾ per cent per annum compounded annually" in the fourth and fifth lines and in the amendment of 1960-61 and inserting in lieu thereof "accumulated interest", so that the subsection shall read as follows:

Contributors becoming teachers R.S.O. 1960, c. 392

(3) Where a former contributor who is not in receipt of an allowance or annuity is employed within the meaning of *The Teachers' Superannuation Act*, his contributions and credits in the Fund, together with accumulated interest, shall be transferred to the Teachers' Superannuation Fund.

R.S.O. 1960, c. 332, Part II (ss. 29-33), repealed

4. Part II of *The Public Service Superannuation Act*, as amended by sections 14 and 15 of *The Public Service Superannuation Amendment Act, 1960-61* and section 12 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed.

R.S.O. 1960, c. 332, s. 34, re-enacted

5. Section 34 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Custodian of Fund

34. The Treasurer is custodian of the Fund.

R.S.O. 1960, c. 332, s. 35, re-enacted

6. Section 35 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Audit

35. The Fund shall be audited by the Provincial Auditor, and he shall make an annual report in respect of the preceding fiscal year to the Lieutenant Governor in

Council, and the report shall be laid before the Assembly if it is in session or, if not, at the next ensuing session.

7. Section 37 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 332, s. 37, re-enacted

37. The interest of any person in the Fund or in any allowance, annuity, refund or other sum payable out of the Fund is not subject to garnishment, attachment, seizure or other process of law and is not assignable. No attachment, etc.

8. The amount to the credit of every person in the Public Service Retirement Fund shall be transferred to his credit in the Public Service Superannuation Fund as of the 1st day of April, 1965, and he is entitled to credit in the latter fund for a period equal to the period in respect of which he contributed to the former fund. Transfer to Public Service Superannuation Fund

9. This Act shall be deemed to have come into force on the 1st day of April, 1965. Commencement

10. This Act may be cited as *The Public Service Superannuation Amendment Act, 1965*. Short title

1st Reading

May 5th, 1965

2nd Reading

May 13th, 1965

3rd Reading

June 21st, 1965

MR. ALLAN

BILL 125

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Public Service Act, 1961-62

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The section is brought into line with the existing situation.

Sections 2, 3 and 4. Self-explanatory.

BILL 125 **1965**

An Act to amend The Public Service Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Public Service Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 121, s. 3, re-enacted

3. The Commission is responsible to the Minister for the administration of this Act, and the staff of the Commission constitutes the Department of Civil Service. Administration

2. *The Public Service Act, 1961-62* is amended by adding thereto the following section: 1961-62, c. 121, amended

4*a*. The Commission may exclude any position in the classified service from that service for such period as it determines. Exclusion of positions from classified service

3. Section 16 of *The Public Service Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 121, s. 16, re-enacted

16.—(1) With the consent in writing of his minister, a deputy minister may delegate in writing any of his powers under this Act to any public servant or any class thereof in his department. Delegation of powers, deputy minister

(2) With the consent of his minister, a deputy minister may delegate any of his duties under this Act to any public servant or any class thereof in his department. Delegation of duties, deputy minister

4. Section 17 of *The Public Service Act, 1961-62* is amended by adding at the end thereof "and to the evaluation and classification of positions in the classified service that are designated by the Commission", so that the section shall read as follows: 1961-62, c. 121, s. 17, amended

Delegation of powers and functions, Commission

17. The Commission may authorize a deputy minister to exercise and perform any of the powers or functions of the Commission in relation to the recruitment of qualified persons for the civil service and to the evaluation and classification of positions in the classified service that are designated by the Commission.

1961-62, c. 121, s. 20, subs. 1, amended

5.—(1) Subsection 1 of section 20 of *The Public Service Act, 1961-62* is amended by adding thereto the following clause:

(*fa*) providing for the establishment of plans for group life insurance, medical-surgical insurance or long-term income protection insurance.

1961-62, c. 121, s. 20, subs. 1, cl. *r* (1962-63, c. 118, s. 7, subs. 3), amended

(2) Clause *r* of subsection 1 of the said section 20, as re-enacted by subsection 3 of section 7 of *The Public Service Amendment Act, 1962-63*, is amended by inserting after "Council" in the second line "the Ontario Provincial Police Negotiating Committee", so that the clause shall read as follows:

(*r*) prescribing the duties and procedures of the Joint Council, the Ontario Provincial Police Negotiating Committee and the Civil Service Arbitration Board and excluding matters from the agenda of the Joint Council.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Public Service Amendment Act, 1965*.

SECTION 5. These new and amended clauses will authorize the making of regulations with respect to the matters specified.

1st Reading

May 5th, 1965

2nd Reading

3rd Reading

MR. ALLAN

1965

BILL 125

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Public Service Act, 1961-62

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 125 **1965**

An Act to amend The Public Service Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Public Service Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 121, s. 3, re-enacted

3. The Commission is responsible to the Minister for the administration of this Act, and the staff of the Commission constitutes the Department of Civil Service. Administration

2. *The Public Service Act, 1961-62* is amended by adding thereto the following section: 1961-62, c. 121, amended

4*a*. The Commission may exclude any position in the classified service from that service for such period as it determines. Exclusion of positions from classified service

3. Section 16 of *The Public Service Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 121, s. 16, re-enacted

16.—(1) With the consent in writing of his minister, a deputy minister may delegate in writing any of his powers under this Act to any public servant or any class thereof in his department. Delegation of powers, deputy minister

(2) With the consent of his minister, a deputy minister may delegate any of his duties under this Act to any public servant or any class thereof in his department. Delegation of duties, deputy minister

4. Section 17 of *The Public Service Act, 1961-62* is amended by adding at the end thereof "and to the evaluation and classification of positions in the classified service that are designated by the Commission", so that the section shall read as follows: 1961-62, c. 121, s. 17, amended

Delegation of powers and functions, Commission

17. The Commission may authorize a deputy minister to exercise and perform any of the powers or functions of the Commission in relation to the recruitment of qualified persons for the civil service and to the evaluation and classification of positions in the classified service that are designated by the Commission.

1961-62, c. 121, s. 20, subs. 1, amended

5.—(1) Subsection 1 of section 20 of *The Public Service Act, 1961-62* is amended by adding thereto the following clause:

(*fa*) providing for the establishment of plans for group life insurance, medical-surgical insurance or long-term income protection insurance.

1961-62, c. 121, s. 20, subs. 1, cl. *r* (1962-63, c. 118, s. 7, subs. 3), amended

(2) Clause *r* of subsection 1 of the said section 20, as re-enacted by subsection 3 of section 7 of *The Public Service Amendment Act, 1962-63*, is amended by inserting after "Council" in the second line "the Ontario Provincial Police Negotiating Committee", so that the clause shall read as follows:

(*r*) prescribing the duties and procedures of the Joint Council, the Ontario Provincial Police Negotiating Committee and the Civil Service Arbitration Board and excluding matters from the agenda of the Joint Council.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Public Service Amendment Act, 1965*.

1st Reading

May 5th, 1965

2nd Reading

May 13th, 1965

3rd Reading

June 21st, 1965

MR. ALLAN

BILL 126

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Racing Commission Act

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

Self-explanatory. The members of the Commission now hold office during the pleasure of the Lieutenant Governor in Council.

BILL 126 **1965**

An Act to amend The Racing Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Racing Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 342, s. 4, re-enacted

4. The members of the Commission shall hold office for a term of not more than three years, but any person is eligible for re-appointment. Term of office

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Racing Commission Amendment Act, 1965*. Short title

1st Reading

May 5th, 1965

2nd Reading

3rd Reading

MR. ALLAN

1965

BILL 126

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Racing Commission Act

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 126 **1965**

An Act to amend The Racing Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Racing Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 342, s. 4, re-enacted

4. The members of the Commission shall hold office for a term of not more than three years, but any person is eligible for re-appointment. Term of office

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Racing Commission Amendment Act, 1965*. Short title

1st Reading

May 5th, 1965

2nd Reading

May 13th, 1965

3rd Reading

June 21st, 1965

MR. ALLAN

1965

BILL 127

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to establish The Ontario Institute for Studies in Education

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

This Bill establishes The Ontario Institute for Studies in Education for the purpose of studying matters relating to education and conducting courses leading to graduate degrees in education.

BILL 127 **1965**

An Act to establish The Ontario Institute for Studies in Education

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Board" means The Board of Governors of The Ontario Institute for Studies in Education;

(*b*) "Institute" means The Ontario Institute for Studies in Education;

(*c*) "Minister" means the Minister of Education.

Institute established

2. A college to be known as "The Ontario Institute for Studies in Education" is hereby established, and the affairs of the Institute shall be under the management and control of the Board.

Objects

3. The objects of the Institute are,

(*a*) to study matters and problems relating to or affecting education, and to disseminate the results of and assist in the implementation of the findings of educational studies;

(*b*) to establish and conduct courses leading to certificates of standing and graduate degrees in education.

Board established

4.—(1) There shall be a board of governors, which is hereby constituted a body corporate under the name "The Board of Governors of The Ontario Institute for Studies in Education".

Composition

(2) The Board shall be composed of,

(*a*) the Director of the Institute; and

(*b*) the following members appointed by the Lieutenant Governor in Council upon the recommendation of the Minister:

(i) representatives of the teacher-training institutions of Ontario,

(ii) representatives of the University of Toronto, nominated by its President,

(iii) representatives of the provincially-assisted universities of Ontario, nominated by the Committee of Presidents of Provincially Assisted Universities of Ontario,

(iv) representatives of the Department of Education,

(v) representatives of the Ontario Teachers' Federation, nominated by its Board of Governors,

(vi) representatives of the Ontario School Trustees' Council, nominated by its Council,

(vii) representatives of provincial associations of directors of education, school superintendents and inspectors, nominated by the associations,

(viii) persons who are residents of Ontario,

(ix) members of the administrative and instructional staff of the Institute, in addition to the Director.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

(*a*) fixing the number of members of the Board to be appointed under clause *b* of subsection 2 and prescribing their terms of office;

(*b*) prescribing the conditions of service of members of the Board, including rules for eligibility for reappointment, conditions under which membership is vacated and procedures for filling vacancies on the Board.

Expenses of members

(4) The members of the Board may be paid such amounts for travelling and other expenses incurred in carrying out their duties as the Board, subject to the approval of the Minister, determines from time to time.

5. The Board may, Powers of Board

(*a*) make such by-laws, rules and regulations as are deemed expedient for the administration of its affairs, including the fixing of a quorum of the Board, and may prescribe tuition fees for courses offered by the Institute and the powers and duties of the academic council;

(*b*) appoint, promote, transfer or remove such members of the administrative staff, instructional staff and maintenance staff as are necessary for the proper conduct of the affairs of the Institute, and fix their salaries or remuneration and increments and define their duties, qualifications and tenure of office or employment;

(*c*) appoint a Director, who in the first instance shall be a person recommended by the Minister, and other officers and prescribe their powers and duties and fix their salaries or remuneration and tenure of office or employment;

(*d*) appoint by resolution a member or members of the Board, or any other person or persons, to execute on behalf of the Board any documents and other instruments in writing and to affix the corporate seal of the Board thereto;

(*e*) appoint committees from the membership of the Board and confer upon any of such committees authority to act for the Board with respect to any matter or classes of matters;

(*f*) with the approval of the Minister,

(i) provide for the retirement and superannuation of persons mentioned in clauses *b* and *c*,

(ii) provide for payments by way of gratuities, retirement allowances, accumulative sick leave allowances, superannuation allowances, pensions, annuities, life insurance or health insurance, or any combination thereof, payable to any representative or for the benefit of the persons mentioned in clauses *b* and *c*, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Board, or both, or otherwise,

(iii) expend such sums as may be required for the purposes of funds that are established for the payment of gratuities, retirement allowances, pensions, life insurance or health insurance, for the benefit of the persons mentioned in subclause ii,

(iv) make arrangements for the use by the Institute of any publicly-supported educational institution for demonstration or experimental purposes or for the services of one or more teachers in such educational institution in the conduct of any demonstration or experiment or other research study,

(v) enter into agreements with any association or organization having objects similar to those of the Institute providing for the joint operation of research programmes, and

(vi) enter into agreements of affiliation with one or more universities relating to the establishment and conduct of programmes leading to degrees in education.

Chairman, vice-chairman

6.—(1) The Board shall elect a chairman and vice-chairman from among its members for a period of one year, but the chairman and vice-chairman shall continue to hold office until their successors are elected.

Presiding officer

(2) The chairman shall preside at all meetings of the Board and, in his absence, the vice-chairman shall preside, and, in the absence of both the chairman and vice-chairman, the members present at a meeting shall elect one of themselves to preside.

Academic council

7. The Board shall establish an academic council composed of any class of instructional staff and officers of the Institute with such powers and duties as may be prescribed by by-law of the Board.

Fiscal year

8. The fiscal year of the Board shall extend from the 1st day of July of any year to the 30th day of June of the following year.

Cost

9. The cost of the establishment, maintenance and conduct of the Institute shall be payable, until the 30th day of June, 1966, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature and out of revenues derived from tuition fees, grants from individuals and organizations and from other sources.

Audit

10. The accounts and financial transactions of the Board shall be audited annually by an auditor or auditors appointed by the Board.

Annual report

11. The Institute shall make a report annually to the Minister upon the affairs of the Institute, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Tax exemption

12. The real and personal property, business and income of the Board are not subject to taxation for provincial or municipal or school purposes.

Transfer of research and graduate studies departments of Ontario College of Education

13. The government, conduct, management and control of the Department of Educational Research and the Department of Graduate Studies of the Ontario College of Education, and all personal property that, immediately before the 1st day of July, 1966, is under the supervision of such departments or is provided for the use of such departments or for the use of students supervised by such departments, are hereby transferred, as of that date, to the Board.

Superannuation R.S.O. 1960, c. 392

14. *The Teachers' Superannuation Act* applies to the instructional staff of the Institute in the same manner as if the Institute were specified by name in subclause v of clause *d* of section 1 of that Act.

Commencement

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Ontario Institute for Studies in Education Act, 1965*.

1st Reading

May 6th, 1965

2nd Reading

3rd Reading

MR. DAVIS

1965

BILL 127

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to establish The Ontario Institute for Studies in Education

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 127 **1965**

An Act to establish The Ontario Institute for Studies in Education

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Board" means The Board of Governors of The Ontario Institute for Studies in Education;

(*b*) "Institute" means The Ontario Institute for Studies in Education;

(*c*) "Minister" means the Minister of Education.

Institute established

2. A college to be known as "The Ontario Institute for Studies in Education" is hereby established, and the affairs of the Institute shall be under the management and control of the Board.

Objects

3. The objects of the Institute are,

(*a*) to study matters and problems relating to or affecting education, and to disseminate the results of and assist in the implementation of the findings of educational studies;

(*b*) to establish and conduct courses leading to certificates of standing and graduate degrees in education.

Board established

4.—(1) There shall be a board of governors, which is hereby constituted a body corporate under the name "The Board of Governors of The Ontario Institute for Studies in Education".

Composition

(2) The Board shall be composed of,

(*a*) the Director of the Institute; and

(*b*) the following members appointed by the Lieutenant Governor in Council upon the recommendation of the Minister:

(i) representatives of the teacher-training institutions of Ontario,

(ii) representatives of the University of Toronto, nominated by its President,

(iii) representatives of the provincially-assisted universities of Ontario, nominated by the Committee of Presidents of Provincially Assisted Universities of Ontario,

(iv) representatives of the Department of Education,

(v) representatives of the Ontario Teachers' Federation, nominated by its Board of Governors,

(vi) representatives of the Ontario School Trustees' Council, nominated by its Council,

(vii) representatives of provincial associations of directors of education, school superintendents and inspectors, nominated by the associations,

(viii) persons who are residents of Ontario,

(ix) members of the administrative and instructional staff of the Institute, in addition to the Director.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

(*a*) fixing the number of members of the Board to be appointed under clause *b* of subsection 2 and prescribing their terms of office;

(*b*) prescribing the conditions of service of members of the Board, including rules for eligibility for reappointment, conditions under which membership is vacated and procedures for filling vacancies on the Board.

Expenses of members

(4) The members of the Board may be paid such amounts for travelling and other expenses incurred in carrying out their duties as the Board, subject to the approval of the Minister, determines from time to time.

5. The Board may, Powers of Board

(*a*) make such by-laws, rules and regulations as are deemed expedient for the administration of its affairs, including the fixing of a quorum of the Board, and may prescribe tuition fees for courses offered by the Institute and the powers and duties of the academic council;

(*b*) appoint, promote, transfer or remove such members of the administrative staff, instructional staff and maintenance staff as are necessary for the proper conduct of the affairs of the Institute, and fix their salaries or remuneration and increments and define their duties, qualifications and tenure of office or employment;

(*c*) appoint a Director, who in the first instance shall be a person recommended by the Minister, and other officers and prescribe their powers and duties and fix their salaries or remuneration and tenure of office or employment;

(*d*) appoint by resolution a member or members of the Board, or any other person or persons, to execute on behalf of the Board any documents and other instruments in writing and to affix the corporate seal of the Board thereto;

(*e*) appoint committees from the membership of the Board and confer upon any of such committees authority to act for the Board with respect to any matter or classes of matters;

(*f*) with the approval of the Minister,

(i) provide for the retirement and superannuation of persons mentioned in clauses *b* and *c*,

(ii) provide for payments by way of gratuities, retirement allowances, accumulative sick leave allowances, superannuation allowances, pensions, annuities, life insurance or health insurance, or any combination thereof, payable to any representative or for the benefit of the persons mentioned in clauses *b* and *c*, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Board, or both, or otherwise,

(iii) expend such sums as may be required for the purposes of funds that are established for the payment of gratuities, retirement allowances, pensions, life insurance or health insurance, for the benefit of the persons mentioned in subclause ii,

(iv) make arrangements for the use by the Institute of any publicly-supported educational institution for demonstration or experimental purposes or for the services of one or more teachers in such educational institution in the conduct of any demonstration or experiment or other research study,

(v) enter into agreements with any association or organization having objects similar to those of the Institute providing for the joint operation of research programmes, and

(vi) enter into agreements of affiliation with one or more universities relating to the establishment and conduct of programmes leading to degrees in education.

Chairman, vice-chairman

6.—(1) The Board shall elect a chairman and vice-chairman from among its members for a period of one year, but the chairman and vice-chairman shall continue to hold office until their successors are elected.

Presiding officer

(2) The chairman shall preside at all meetings of the Board and, in his absence, the vice-chairman shall preside, and, in the absence of both the chairman and vice-chairman, the members present at a meeting shall elect one of themselves to preside.

Academic council

7. The Board shall establish an academic council composed of any class of instructional staff and officers of the Institute with such powers and duties as may be prescribed by by-law of the Board.

Fiscal year

8. The fiscal year of the Board shall extend from the 1st day of July of any year to the 30th day of June of the following year.

Cost

9. The cost of the establishment, maintenance and conduct of the Institute shall be payable, until the 30th day of June, 1966, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature and out of revenues derived from tuition fees, grants from individuals and organizations and from other sources.

10. The accounts and financial transactions of the Board shall be audited annually by an auditor or auditors appointed by the Board. Audit

11. The Institute shall make a report annually to the Minister upon the affairs of the Institute, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual report

12. The real and personal property, business and income of the Board are not subject to taxation for provincial or municipal or school purposes. Tax exemption

13. The government, conduct, management and control of the Department of Educational Research and the Department of Graduate Studies of the Ontario College of Education, and all personal property that, immediately before the 1st day of July, 1966, is under the supervision of such departments or is provided for the use of such departments or for the use of students supervised by such departments, are hereby transferred, as of that date, to the Board. Transfer of research and graduate studies departments of Ontario College of Education

14. *The Teachers' Superannuation Act* applies to the instructional staff of the Institute in the same manner as if the Institute were specified by name in subclause v of clause *d* of section 1 of that Act. Superannuation R.S.O. 1960, c. 392

15. This Act comes into force on the day it receives Royal Assent. Commencement

16. This Act may be cited as *The Ontario Institute for Studies in Education Act, 1965*. Short title

1st Reading

May 6th, 1965

2nd Reading

May 14th, 1965

3rd Reading

June 21st, 1965

MR. DAVIS

BILL 128

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Ontario Water Resources Commission Act

MR. SIMONETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The Commission is now required to be composed of not fewer than three and not more than seven persons, and a quorum is a majority of the members. Subsection 2 of section 8 is new and provides for a quorum of two when the Commission is dealing with certain matters, such as the issuance of permits and licences and the approval of works.

Section 2. The purpose of the amendment is to protect farmers and others using surface water against interference caused by the storing of surface water for the watering of live stock or poultry. Where, in the opinion of the Commission, such interference occurs, the taking of water into storage for such purposes without a permit may be prohibited.

BILL 128 **1965**

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 281, s. 8, re-enacted

8.—(1) Except as provided in subsection 2, a majority of the members of the Commission constitutes a quorum. Quorum

(2) For the purposes of, Idem

(*a*) subsections 2, 2*a*, 4 and 5 of section 28*a*;

(*b*) subsections 1 and 3 of section 28*b*;

(*c*) subsections 1 and 2 of section 28*c*;

(*d*) subsections 1, 2 and 4 of section 29;

(*e*) subsections 1 and 3 of section 30;

(*f*) subsections 1 and 3 of section 31;

(*g*) subsection 5 of section 39; and

(*h*) authorizing agreements in respect of projects under section 39,

two members of the Commission constitute a quorum.

2. Section 28*a* of *The Ontario Water Resources Commission Act*, as enacted by section 3 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 281, s. 28*a* (1960-61, c. 71, s. 3), amended

Idem

(1*a*) In subsection 2*a*, the reference to the taking of water for the watering of live stock or poultry does not include the taking of surface water into storage for the watering of live stock or poultry.

R.S.O. 1960, c. 281, s. 31, subs. 4 (1961-62, c. 99, s. 9), cl. *e*, re-enacted

3. Clause *e* of subsection 4 of section 31 of *The Ontario Water Resources Commission Act*, as enacted by section 9 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is repealed and the following substituted therefor:

1962-63, c. 39
R.S.O. 1960, cc. 47, 171
R.S.O. 1950, c. 131

(*e*) to a drainage works under *The Drainage Act, 1962-63*, *The Cemeteries Act*, *The Highway Improvement Act* or *The Railways Act*.

R.S.O. 1960, c. 281, s. 38, amended

4. Section 38 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following subsection:

Power of Commission to implement report

(3) Where the municipality fails to do every act and thing in its power to implement a report made to it under subsection 1 forthwith after receipt of the report, the Commission, with the approval of the Board, may direct that whatever is necessary to implement the report be done at the expense of the municipality, and the Commission may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Commission by such municipality.

R.S.O. 1960, c. 281, s. 40, subs. 1, par. 1, cl. *c*, re-enacted

5.—(1) Clause *c* of paragraph 1 of subsection 1 of section 40 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

(*c*) the total amount in each such year placed by the Commission to the credit of the reserve account referred to in subsection 1 of section 43 in respect of such project or an amount equal to 1½ per cent of the cost of such project, whichever is less, and such additional amount as may be approved by the municipality or municipalities.

R.S.O. 1960, c. 281, s. 40, amended

(2) The said section 40 is amended by adding thereto the following subsection:

Interest and expenses of debt service

(1*a*) In respect of agreements under section 39 entered into after the 31st day of December, 1965, the interest and expenses of debt service payable by the Commission referred to in clause *a* of paragraph 1 of subsection 1 shall, in each year during the currency of the agreement, be the amount calculated by applying the average rate of such interest and expenses paid by the Commission to the Treasurer of Ontario in respect of the project.

SECTION 3. The references to *The Municipal Drainage Act* and *The Ditches and Watercourses Act* are deleted, and reference is made to *The Drainage Act, 1962-63.*

SECTION 4. Self-explanatory.

SECTION 5—Subsection 1. The amendment authorizes the Commission, with the approval of the municipality or municipalities concerned, to place an amount to the credit of the reserve account for a project in addition to the 1½ per cent of the cost of the project that is now permitted.

Subsection 2. The amendment is to provide a uniform rate of interest during the life of a project agreement.

SECTION 6. The Commission may now establish a reserve account for a project to provide for renewals and replacements and contingencies in respect of the project. The amendment will authorize the Commission to include amounts to provide for the improvement of the project.

SECTION 7—Subsection 1. The amendment provides that the investment committee shall be composed of not more than four persons. At present, it must be composed of three persons.

Subsection 2. Subsection 4 is re-enacted to delete the requirement that all investments must be approved by a majority of the members of the committee. A quorum of two will hereafter be necessary for such purpose.

SECTION 8. Section 50 is re-enacted,

(1) to refer to collection, transmission and treatment of sewage as well as disposal of sewage;

(2) to require industrial and commercial enterprises to make investigations and submit reports;

(3) to provide a penalty for contraventions of directions of the Commission.

6. Subsection 1 of section 43 of *The Ontario Water Resources Commission Act* is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause: R.S.O. 1960, c. 281, s. 43, subs. 1, amended

(*c*) to provide for capital expenditures for the improvement of the project in relation to its operation and appearance.

7.—(1) Subsection 1 of section 45 of *The Ontario Water Resources Commission Act* is amended by striking out "three" in the fourth line and inserting in lieu thereof "not fewer than two and not more than four", so that the subsection shall read as follows: R.S.O. 1960, c. 281, s. 45, subs. 1, amended

(1) The moneys from time to time in the Commission Reserve Account and in the Commission Debt Retirement Account shall be invested by an investment committee composed of not fewer than two and not more than four persons appointed by the Lieutenant Governor in Council, any of whom may be paid out of the funds of the Commission such remuneration as the Lieutenant Governor in Council may determine. Investment committee

(2) Subsection 4 of the said section 45 is repealed and the following substituted therefor: R.S.O. 1960, c. 281, s. 45, subs. 4, re-enacted

(4) Two members of the investment committee constitute a quorum. Quorum

8. Section 50 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 281, s. 50, re-enacted

50.—(1) If an industrial or commercial enterprise makes arrangements for the collection, transmission, treatment or disposal of sewage that are deemed unsatisfactory by the Commission, or makes no arrangements for the collection, transmission, treatment or disposal of sewage, the Commission, with the approval of the Minister, may require such industrial or commercial enterprise, Sewage disposal

(*a*) to make investigations and submit reports to the Commission in respect of the collection, transmission, treatment or disposal of sewage;

(*b*) to install, construct or arrange such facilities for the collection, transmission, treatment or disposal of sewage; and

(*c*) to maintain, keep in repair and operate such facilities,

as may be directed from time to time by the Commission.

Offence

(2) Every industrial or commercial enterprise that contravenes a direction or requirement of the Commission under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $200 for every day the contravention continues.

R.S.O. 1960, c. 281, amended

9. *The Ontario Water Resources Commission Act* is amended by adding thereto the following sections:

Fees for approval

55. Upon the issuance or alteration of a permit or the giving of approval by the Commission under this Act, there shall be paid to the Commission such fees as the Commission may determine, in each case having regard amongst other things to the time occupied by the Commission and its employees in respect of such issuance, alteration or approval, and the terms and conditions in respect thereof.

Fees for copies

56. The Commission may charge and collect such fees as it deems proper for all copies of documents, maps, plans or drawings supplied by the Commission.

False information

57. Every person who gives false information in any application, return or statement made to the Commission in respect of any matter under this Act or the regulations made under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $500.

Commencement

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1965*.

SECTION 9. The Commission is authorized to charge fees for the issuance or alteration of permits, the giving of approval and the supplying of copies of documents, etc. A penalty is provided in section 57 where false information is given in an application, etc.

An Act to amend
The Ontario Water Resources
Commission Act

1st Reading

May 6th, 1965

2nd Reading

3rd Reading

MR. SIMONETT

1965

BILL 128

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

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MR. SIMONETT

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 128 **1965**

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 281, s. 8, re-enacted

8.—(1) Except as provided in subsection 2, a majority of the members of the Commission constitutes a quorum. Quorum

(2) For the purposes of, Idem

(*a*) subsections 2, 2*a*, 4 and 5 of section 28*a*;

(*b*) subsections 1 and 3 of section 28*b*;

(*c*) subsections 1 and 2 of section 28*c*;

(*d*) subsections 1, 2 and 4 of section 29;

(*e*) subsections 1 and 3 of section 30;

(*f*) subsections 1 and 3 of section 31;

(*g*) subsection 5 of section 39; and

(*h*) authorizing agreements in respect of projects under section 39,

two members of the Commission constitute a quorum.

2. Section 28*a* of *The Ontario Water Resources Commission Act*, as enacted by section 3 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by adding thereto the following subsection: R.S.O. 1960, c. 281, s. 28*a* (1960-61, c. 71, s. 3), amended

Idem

(1*a*) In subsection 2*a*, the reference to the taking of water for the watering of live stock or poultry does not include the taking of surface water into storage for the watering of live stock or poultry.

R.S.O. 1960, c. 281, s. 31, subs. 4 (1961-62, c. 99, s. 9), cl. *e*, re-enacted

3. Clause *e* of subsection 4 of section 31 of *The Ontario Water Resources Commission Act*, as enacted by section 9 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is repealed and the following substituted therefor:

1962-63, c. 39
R.S.O. 1960, cc. 47, 171
R.S.O. 1950, c. 131

(*e*) to a drainage works under *The Drainage Act, 1962-63*, *The Cemeteries Act*, *The Highway Improvement Act* or *The Railways Act*.

R.S.O. 1960, c. 281, s. 38, amended

4. Section 38 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following subsection:

Power of Commission to implement report

(3) Where the municipality fails to do every act and thing in its power to implement a report made to it under subsection 1 forthwith after receipt of the report, the Commission, with the approval of the Board, may direct that whatever is necessary to implement the report be done at the expense of the municipality, and the Commission may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Commission by such municipality.

R.S.O. 1960, c. 281, s. 40, subs. 1, par. 1, cl. *c*, re-enacted

5.—(1) Clause *c* of paragraph 1 of subsection 1 of section 40 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

(*c*) the total amount in each such year placed by the Commission to the credit of the reserve account referred to in subsection 1 of section 43 in respect of such project or an amount equal to 1½ per cent of the cost of such project, whichever is less, and such additional amount as may be approved by the municipality or municipalities.

R.S.O. 1960, c. 281, s. 40, amended

(2) The said section 40 is amended by adding thereto the following subsection:

Interest and expenses of debt service

(1*a*) In respect of agreements under section 39 entered into after the 31st day of December, 1965, the interest and expenses of debt service payable by the Commission referred to in clause *a* of paragraph 1 of subsection 1 shall, in each year during the currency of the agreement, be the amount calculated by applying the average rate of such interest and expenses paid by the Commission to the Treasurer of Ontario in respect of the project.

6. Subsection 1 of section 43 of *The Ontario Water Resources Commission Act* is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause: R.S.O. 1960, c. 281, s. 43, subs. 1, amended

(*c*) to provide for capital expenditures for the improvement of the project in relation to its operation and appearance.

7.—(1) Subsection 1 of section 45 of *The Ontario Water Resources Commission Act* is amended by striking out "three" in the fourth line and inserting in lieu thereof "not fewer than two and not more than four", so that the subsection shall read as follows: R.S.O. 1960, c. 281, s. 45, subs. 1, amended

(1) The moneys from time to time in the Commission Reserve Account and in the Commission Debt Retirement Account shall be invested by an investment committee composed of not fewer than two and not more than four persons appointed by the Lieutenant Governor in Council, any of whom may be paid out of the funds of the Commission such remuneration as the Lieutenant Governor in Council may determine. Investment committee

(2) Subsection 4 of the said section 45 is repealed and the following substituted therefor: R.S.O. 1960, c. 281, s. 45, subs. 4, re-enacted

(4) Two members of the investment committee constitute a quorum. Quorum

8. Section 50 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 281, s. 50, re-enacted

50.—(1) If an industrial or commercial enterprise makes arrangements for the collection, transmission, treatment or disposal of sewage that are deemed unsatisfactory by the Commission, or makes no arrangements for the collection, transmission, treatment or disposal of sewage, the Commission, with the approval of the Minister, may require such industrial or commercial enterprise, Sewage disposal

(*a*) to make investigations and submit reports to the Commission in respect of the collection, transmission, treatment or disposal of sewage;

(*b*) to install, construct or arrange such facilities for the collection, transmission, treatment or disposal of sewage; and

(*c*) to maintain, keep in repair and operate such facilities,

as may be directed from time to time by the Commission.

Offence

(2) Every industrial or commercial enterprise that contravenes a direction or requirement of the Commission under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $200 for every day the contravention continues.

R.S.O. 1960, c. 281, amended

9. *The Ontario Water Resources Commission Act* is amended by adding thereto the following sections:

Fees for approval

55. Upon the issuance or alteration of a permit or the giving of approval by the Commission under this Act, there shall be paid to the Commission such fees as the Commission may determine, in each case having regard amongst other things to the time occupied by the Commission and its employees in respect of such issuance, alteration or approval, and the terms and conditions in respect thereof.

Fees for copies

56. The Commission may charge and collect such fees as it deems proper for all copies of documents, maps, plans or drawings supplied by the Commission.

False information

57. Every person who gives false information in any application, return or statement made to the Commission in respect of any matter under this Act or the regulations made under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $500.

Commencement

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1965*.

The Ontario Water Resources Commission Act

1st Reading

May 6th, 1965

2nd Reading

May 13th, 1965

3rd Reading

June 21st, 1965

MR. SIMONETT

1965

BILL 129

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Financial Administration Act

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. This new provision will give statutory authority for the instructions now issued in the form of Treasury Board minutes.

Section 2. This new clause will authorize regulations respecting a records management program.

Section 3. These amendments bring the section that sets out the duties of the Comptroller of Finances into line with present practices.

Section 4. Self-explanatory.

BILL 129 **1965**

An Act to amend The Financial Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Financial Administration Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 142, s. 4, amended

(2) The Treasury Board may issue such administrative directives as it considers necessary in the performance of its duties. Administrative directives

2. Section 5 of *The Financial Administration Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 142, s. 5, amended

(*aa*) respecting the retention and disposal of records.

3. Clauses *a* and *b* of section 12 of *The Financial Administration Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 142, s. 12, cls. *a*, *b*, re-enacted

(*a*) study and advise on the management of the public debt, on the sinking funds of Ontario, on the trends in the fields of public finance and on the effect of the policies of governments on public borrowing;

(*b*) administer and supervise all matters relating to the purchase and sale of securities under section 20 and relating to the raising of money under Part IV; and

. . . . . .

4. Section 34 of *The Financial Administration Act* is amended by striking out "$650,000" in the sixth line and inserting in lieu thereof "$1,000,000", so that the section shall read as follows: R.S.O. 1960, c. 142, s. 34, amended

Authority for payments of accounts for printing, stationery, etc.

34. The Treasurer may pay out of the Consolidated Revenue Fund accounts for legislative and departmental printing, paper and stationery and other

supplies delivered to the Queen's Printer, but the amount of such deliveries remaining on hand and in the course of distribution shall not exceed in any fiscal year the sum of $1,000,000.

R.S.O. 1960, c. 142, s. 62, re-enacted

5. Section 62 of *The Financial Administration Act* is repealed and the following substituted therefor:

Interpretation

62.—(1) In this section, "Crown" includes any agency of the Crown.

Set-off

(2) Where in the opinion of the Treasurer a person is indebted to the Crown in right of Ontario or in right of Canada in any specific sum of money, the Treasurer may authorize the Comptroller of Accounts,

(*a*) to retain by way of deduction or set-off, out of any money that is due and payable by the Crown in right of Ontario to such person, such sum as the Treasurer sees fit in the circumstances; and

(*b*) to pay such sum to such public officer as he thinks appropriate to receive it.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Financial Administration Amendment Act, 1965.*

SECTION 5. The section is re-enacted in order to enable Ontario to recognize claims of Canada against persons to whom Ontario owes money, and to extend the context to Crown agencies.

1st Reading

May 6th, 1965

2nd Reading

3rd Reading

MR. ALLAN

1965

BILL 129

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

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MR. ALLAN

TORONTO
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BILL 129 **1965**

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Financial Administration Act* is amended by adding thereto the following subsection: R.S.O. 1960 c. 142, s. 4, amended

(2) The Treasury Board may issue such administrative directives as it considers necessary in the performance of its duties. Administrative directives

2. Section 5 of *The Financial Administration Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 142, s. 5, amended

(*aa*) respecting the retention and disposal of records.

3. Clauses *a* and *b* of section 12 of *The Financial Administration Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 142, s. 12, cls. *a*, *b*, re-enacted

(*a*) study and advise on the management of the public debt, on the sinking funds of Ontario, on the trends in the fields of public finance and on the effect of the policies of governments on public borrowing;

(*b*) administer and supervise all matters relating to the purchase and sale of securities under section 20 and relating to the raising of money under Part IV; and

. . . . .

4. Section 34 of *The Financial Administration Act* is amended by striking out "$650,000" in the sixth line and inserting in lieu thereof "$1,000,000", so that the section shall read as follows: R.S.O. 1960, c. 142, s. 34, amended

Authority for payments out of accounts for printing, stationery, etc.

34. The Treasurer may pay out of the Consolidated Revenue Fund accounts for legislative and departmental printing, paper and stationery and other

supplies delivered to the Queen's Printer, but the amount of such deliveries remaining on hand and in the course of distribution shall not exceed in any fiscal year the sum of $1,000,000.

R.S.O. 1960, c. 142, s. 62, re-enacted

5. Section 62 of *The Financial Administration Act* is repealed and the following substituted therefor:

Interpretation

62.—(1) In this section, "Crown" includes any agency of the Crown.

Set-off

(2) Where in the opinion of the Treasurer a person is indebted to the Crown in right of Ontario or in right of Canada in any specific sum of money, the Treasurer may authorize the Comptroller of Accounts,

(*a*) to retain by way of deduction or set-off, out of any money that is due and payable by the Crown in right of Ontario to such person, such sum as the Treasurer sees fit in the circumstances; and

(*b*) to pay such sum to such public officer as he thinks appropriate to receive it.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Financial Administration Amendment Act, 1965*.

The Financial Administration Act

1st Reading

May 6th, 1965

2nd Reading

May 13th, 1965

3rd Reading

June 21st, 1965

MR. ALLAN

1965

BILL 130

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Corporations Tax Act

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

General. The general purpose of this Bill is to make adjustments in the Act to bring it into closer relationship with the corresponding provisions of the *Income Tax Act* (Canada) as that Act affects corporations, particularly with respect to certain amendments made to that Act since the 1964 session of the Legislature.

Section 1. This section enacts a definition of the term "superannuation or pension benefit" that corresponds with a definition in the *Income Tax Act* (Canada).

Section 2. The amendments to section 1*a* correspond with similar amendments made in section 139A of the *Income Tax Act* (Canada).

Subsection 1. Sub-subclauses (A) and (B) of subclause ii of clause *a* of section 1*a* of the Act set out two of the alternative parts of the condition relating to share ownership that is one of the three conditions that must be met by a corporation before the corporation is a corporation that has a degree of Canadian ownership. The amendment to sub-subclause (A) adds the requirement that individuals resident in Canada or corporations controlled in Canada must own equity shares representing 25% of the equity capital of the corporation. The amendment to sub-subclause (B) makes three changes:

(i) it provides that some but not all of the corporation's voting shares need to be listed on a Canadian stock exchange;

(ii) it provides that, in addition to the former requirement that no one non-resident may own more than 75% of the voting shares, no one corporation that did not comply with that part of the condition relating to share ownership that is set out in sub-subclause (A) may own more than 75% of the voting shares; and

(iii) it provides, by an addition corresponding in the context to the addition to sub-subclause (A), that a class of equity share representing not less than 50% of the equity share capital must be listed on a Canadian stock exchange and that no one non-resident and no one corporation that did not comply with that part of the condition relating to share ownership that is set out in sub-subclause (A) may own more than 75% of the equity share capital.

A definition of "equity share" is added by subsection 4.

BILL 130 **1965**

An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Corporations Tax Act*, as amended by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by adding thereto the following paragraph: R.S.O. 1960, c. 73, s. 1, subs. 1, amended

38*a*. "superannuation or pension benefit" includes any amount received out of or under a superannuation or pension fund or plan, and, without restricting the generality of the foregoing, includes any payment made to a beneficiary under the fund or plan or to an employer or former employer of the beneficiary thereunder,

i. in accordance with the terms of the fund or plan,

ii. resulting from an amendment to or modification of the fund or plan, or

iii. resulting from the termination of the fund or plan.

2.—(1) Subclause ii of clause *a* of subsection 1 of section 1*a* of *The Corporations Tax Act*, as enacted by section 1 of *The Corporations Tax Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 1*a* (1964, c. 11, s. 1), subs. 1, cl. *a*, subcl. ii, re-enacted

(ii) either,

(A) not less than 25 per cent of the issued and outstanding shares of the corporation having full voting rights under all circumstances were owned by one or more individuals resident in Canada, one or more corporations controlled

in Canada or a combination thereof, and equity shares representing in the aggregate not less than 25 per cent of that part of the paid-up capital of the corporation that was represented by all the issued and outstanding equity shares of the corporation were owned by one or more individuals resident in Canada, one or more corporations controlled in Canada or a combination thereof, or

(B) a class or classes of shares of the corporation having full voting rights under all circumstances were listed on a prescribed stock exchange in Canada, and it is established in prescribed manner that no one non-resident person and no one corporation that did not comply with sub-subclause A of this subclause owned more than 75 per cent of the issued and outstanding shares of the corporation having full voting rights under all circumstances, alone or in combination with any other person related to such non-resident person or such corporation at any time within the period within the meaning of subsection 3 or 4 of section 1, and a class or classes of equity shares of the corporation representing in the aggregate not less than 50 per cent of that part of the paid-up capital of the corporation that was represented by all the issued and outstanding equity shares of the corporation were listed on a prescribed stock exchange in Canada, and it is established in prescribed manner that no one non-resident person and no one corporation that did not comply with sub-subclause A of this subclause owned equity shares representing in the aggregate more than 75 per cent of that part of the paid-up capital of the corporation that was represented by all the issued and outstanding equity shares of the corporation, alone or in combination with any other person related to such non-resident person or such corporation at any time within the period within the meaning of subsection 3 or 4 of section 1, and

. . . . .

R.S.O. 1960, c. 73, s. 1*a* (1964, c. 11, s. 1), subs. 1, amended

(2) Subsection 1 of the said section 1*a* is amended by striking out "or" at the end of clause *a* and by striking out clause *b* and inserting in lieu thereof the following:

Subsection 2. The amendment to clause *b* adds a reference to clause *c*, and the effect is to permit a corporation to qualify as a corporation that has a degree of Canadian ownership where it is a wholly-owned subsidiary of a subsidiary corporation that qualifies under the new clause *c*. The new clause *c* provides rules under which a subsidiary-controlled corporation may qualify as a corporation that has a degree of Canadian ownership.

Subsection 3. The amendment to clause *a* changes the rules for determining whether a corporation is "a corporation controlled in Canada". This determination may be required under sub-subclause (A) of subclause ii of clause *a* of subsection 1.

The amendment to clause *b* provides that, where a non-resident person, or a corporation that does not have a degree of Canadian ownership or a corporation that is related to a non-resident person, has a right to acquire shares in a corporation, those shares shall be deemed to be owned by a non-resident person unless the right to acquire the shares is such that it is not reasonable to expect that it be exercised. The amendment also provides that, where the right to acquire shares is a right to acquire unissued shares, those shares shall be deemed to be issued and to have a certain paid-up capital value.

The amendment to clause *c* provides an exception to the rule that shares held by a trustee are deemed not to be owned by a person resident in Canada unless all the beneficiaries of the trust are resident in Canada.

(*b*) the corporation complied with the conditions specified in subclauses i and iii of clause *a* and was a subsidiary wholly-owned corporation subsidiary to a corporation that throughout the sixty-day period complied with the conditions specified in clause *a* or *c*; or

(*c*) the corporation complied with the conditions specified in subclauses i and iii of clause *a* and was a subsidiary-controlled corporation,

(i) of which equity shares representing at least 75 per cent of that part of the paid-up capital of the corporation that is represented by all the issued and outstanding equity shares were owned by,

(A) the corporation to which it was subsidiary,

(B) a corporation controlled in Canada,

(C) an individual resident in Canada, or

(D) any combination of persons described in sub-subclause A, B or C, and

(ii) subsidiary to a corporation that throughout the sixty-day period complied with the conditions specified in clause *a* or *b*.

(3) Clauses *a*, *b* and *c* of subsection 2 of the said section 1*a* are repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 1*a* (1964, c. 11, s. 1), subs. 2, cls. *a-c*, re-enacted

(*a*) a corporation that has share capital is not controlled in Canada at a particular time unless at that time the corporation is resident in Canada, and,

(i) more than 50 per cent of its issued and outstanding shares having full voting rights under all circumstances,

(ii) shares representing in the aggregate more than 50 per cent of its paid-up capital, and

(iii) equity shares representing in the aggregate more than 50 per cent of that part of the paid-up capital of the corporation that is represented by all the issued and outstanding equity shares,

are owned by,

(iv) individuals resident in Canada,

(v) corporations resident in Canada with respect to each of which,

(A) more than 50 per cent of the issued shares having full voting rights under all circumstances,

(B) shares representing in the aggregate more than 50 per cent of the paid-up capital, and

(C) equity shares representing in the aggregate more than 50 per cent of that part of the paid-up capital of the corporation that is represented by all the issued and outstanding equity shares,

are owned by individuals resident in Canada, or

(vi) any combination of individuals or corporations described in subclause iv or v;

(*b*) where,

(i) a non-resident person,

(ii) a corporation that does not have a degree of Canadian ownership, or

(iii) a corporation that is related to a non-resident person within the meaning of subsection 3 or 4 of section 1,

has a right, either as an incident of ownership of a share of a corporation or otherwise under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, equity shares in a corporation, those shares shall,

(iv) unless the right is contingent upon an event that it is not reasonable to expect to occur within a reasonable time, or

(v) unless the right is such that a reasonable man concerned only with the value of the shares would not exercise it,

be deemed,

(vi) to be owned by the person who has the right,

(vii) to be owned by a non-resident person, where the person who has the right is a corporation described in subclause ii or iii, and

(viii) where the shares are unissued,

(A) to be issued and outstanding, and

(B) to have a paid-up capital value, with respect to each share, equal to,

1. the par value, where the shares have a par value,

2. the amount that would be paid with respect to each share to exercise the right under the terms of the contract, where the shares have no par value and an amount is specified in the contract, or

3. the market value at the end of the relevant sixty-day period of a share of the class of shares of that corporation that is most closely similar to that share, where the shares have no par value and no amount is specified in the contract,

and any other person who actually owns the shares in respect of which that right exists shall be deemed not to own those shares;

(*c*) where shares are owned by a trustee resident in Canada, other than a trustee,

(i) who is a trustee under,

(A) a registered pension fund or plan,

(B) a deferred profit sharing plan,

(C) an employees profit sharing plan, or

(D) a supplementary unemployment benefit plan,

in relation to which at least 75 per cent of the employees covered by the plan are resident in Canada, and

(ii) who owns, as trustee, if he is a trustee under a registered pension fund or plan, less than 10 per cent of the issued and outstanding equity shares of a corporation that is an employer of employees covered by the registered pension fund or plan, or a corporation related thereto within the meaning of subsection 3 or 4 of section 1,

the shares shall be deemed not to be owned by a person resident in Canada unless it is established that each beneficiary under the trust is an individual resident in Canada.

R.S.O. 1960, c. 73, s. 1*a* (1964, c. 11, s. 1), subs. 2, amended

(4) Subsection 2 of the said section 1*a* is amended by adding thereto the following clauses:

(*e*) "equity share" means,

(i) a share, other than a non-participating share, the owner of which has, as owner thereof, a right,

(A) to a dividend, and

(B) to a part of the surplus of the corporation after repayment of capital and payment of arrears of dividend, upon the redemption of the share, a reduction of the capital of the corporation or the winding up of the corporation,

at least as great, in any event, as the right of the owner of any other share, other than a non-participating share, of the corporation, when the magnitude of the right in each case is expressed as a rate based on the paid-up capital value of the share to which the right relates, or

(ii) a share, other than a non-participating share, the owner of which has, as owner thereof, a right,

Subsection 4. The new clause *e* defines the term "equity share". The new clause *f* defines the term "non-participating share". The new clause *g* defines the term "paid-up capital value". The new clause *h* provides that in two specific cases equity shares of a corporation shall be deemed not to be equity shares.

(A) to a dividend, after a dividend at a rate not in excess of 8 per cent per annum of the paid-up capital value of each share has been paid to the owners of shares of a class other than the class to which that share belongs, and

(B) to a part of the surplus of the corporation after repayment of capital and payment of arrears of dividend, upon the redemption of the share, a reduction of the capital of the corporation or the winding up of the corporation, after a payment of a part of the surplus at a rate not in excess of 10 per cent of the paid-up capital value of each share has been made to the owners of shares of a class other than the class to which that share belongs,

at least as great, in any event, as the right of the owner of any other share, other than a non-participating share, of the corporation, when the magnitude of the right in each case is expressed as a rate based on the paid-up capital value of the share to which the right relates;

(*f*) "non-participating share" means a share the owner of which is not entitled to receive, as owner thereof, any dividend other than a dividend, whether cumulative or not,

(i) at a fixed annual rate or amount, or

(ii) at an annual rate or amount not in excess of a fixed annual rate or amount;

(*g*) "paid-up capital value", with reference to a share, means,

(i) in the case of an unissued share that is deemed by clause *b* to be issued and outstanding, the amount determined under sub-subclause B of subclause viii of that clause, and

(ii) in any other case, an amount equal to the paid-up capital of the corporation that is represented by the shares of the class to which that share belongs divided by the number of shares of that class that are in fact issued and outstanding; and

(*h*) where,

(i) the paid-up capital of a corporation that is represented by all the issued and outstanding equity shares of the corporation is less than 50 per cent of the paid-up capital of the corporation that is represented by all the issued and outstanding shares of the corporation other than non-participating shares, or

(ii) a non-participating share of the corporation, the owner of which has, as owner, a right to a dividend,

(A) at a fixed annual rate in excess of 8 per cent, or

(B) at an annual rate not in excess of a fixed maximum annual rate, if the fixed maximum annual rate is in excess of 8 per cent,

when the right to the dividend is expressed as a rate based on the paid-up capital value of the share to which the right relates, is issued and outstanding,

the issued and outstanding equity shares of the corporation shall be deemed not to be equity shares.

R.S.O. 1960, c. 73, s. 1*a* (1964, c. 11, s. 1), subs. 3, re-enacted

(5) Subsection 3 of the said section 1*a* is repealed and the following substituted therefor:

Idem, election

(3) Where a corporation so elects, that portion of subsection 1 that precedes clause *a* thereof shall, for the 1963 fiscal year of that corporation, be read as follows:

(1) For the purposes of this Act, a corporation has a degree of Canadian ownership in a fiscal year if throughout any sixty-day period commencing after the 13th day of June, 1963, and ending before the 1st day of May, 1964,

. . . . .

R.S.O. 1960, c. 73, s. 1*a* (1964, c. 11, s. 1), amended

(6) The said section 1*a* is amended by adding thereto the following subsection:

Idem, election

(4) Where a corporation so elects, that portion of subsection 1 that precedes clause *a* thereof shall, for the

Subsection 5. The amendment to subsection 3 provides that a corporation may use any 60-day period between June 13, 1963, and May 1, 1964, as the period for the application of the conditions set out in clause *a* of subsection 1 of section 1*a* to determine whether the corporation has a degree of Canadian ownership in its 1963 fiscal year.

Subsection 6. The new subsection provides that a corporation that so elects may use any 60-day period between June 13, 1963, and January 1, 1965, as the period for the application of the conditions set out in clause *a* of subsection 1 of section 1*a* to determine whether the corporation had a degree of Canadian ownership in its 1964 and 1965 fiscal years.

SECTION 3. The present subsection 1 of section 13 imposes a tax on insurance corporations based on premiums in respect of business transacted in Ontario, exclusive of premiums paid in respect of re-insurance ceded to insurance corporations licensed to transact business in Ontario. The re-insuring corporations are required to include in taxable premiums the premiums received from the ceding corporations in respect of such re-insurance. The amendment provides that the insuring corporation shall not deduct premiums paid in respect of re-insurance ceded to Ontario licensed re-insurers and the re-insurers shall not include such premiums of re-insurance in taxable premiums. The effective date of the amendment is subject to proclamation by the Lieutenant Governor.

SECTION 4. The new clause *l* of section 17 provides that legal costs awarded to a corporation by a court on an appeal from an assessment under the Act, or the *Income Tax Act* (Canada), must be included in the income of the corporation if expenses related to that assessment are deductible in computing its income under the new clause *t* of subsection 1 of section 22 of the Act.

The new clause *m* makes it clear that any amount received by a corporation upon the winding-up or reorganization of a pension fund or plan shall be included in its income. There is a corresponding provision in the *Income Tax Act* (Canada).

SECTION 5—Subsection 1. This amendment provides that the period after the end of a fiscal year during which an employer may pay an amount into a pension plan is to be 120 days rather than 60 days. A similar amendment has been made to the *Income Tax Act* (Canada).

1964 and 1965 fiscal years of that corporation, be read as follows:

(1) For the purposes of this Act, a corporation has a degree of Canadian ownership in a fiscal year if throughout any sixty-day period commencing after the 13th day of June, 1963, and ending before the 1st day of January, 1965,

. . . . . .

3. Subsection 1 of section 13 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 13, subs. 1, re-enacted

(1) Every insurance corporation shall pay a tax of 2 per cent calculated on the gross premiums that become payable to the corporation or its agent or agents during the fiscal year in respect of business transacted in Ontario, other than premiums in respect of re-insurance ceded to the corporation by other insurance corporations and considerations for annuities, after deducting from such premiums, Insurance companies

(*a*) cash value of dividends credited to policyholders;

(*b*) premiums returned.

4. Section 17 of *The Corporations Tax Act*, as amended by section 5 of *The Corporations Tax Amendment Act, 1961-62*, section 2 of *The Corporations Tax Amendment Act, 1962-63* and section 2 of *The Corporations Tax Amendment Act, 1964*, is further amended by striking out "and" at the end of clause *j* in the amendment of 1964 and by adding thereto the following clauses: R.S.O. 1960, c. 73, s. 17, amended

(*l*) amounts received by the corporation in the fiscal year as legal costs awarded to it by a court on an appeal in relation to an assessment of tax, interest or penalties under this Act, or the *Income Tax Act* (Canada), if with respect to that assessment an amount has been deducted or may be deductible under clause *t* of subsection 1 of section 22 in computing its income; and legal costs R.S.C. 1952, c. 148

(*m*) superannuation or pension benefits. superannuation or pension benefits

5.—(1) Clause *j* of subsection 1 of section 22 of *The Corporations Tax Act* is amended by striking out "sixty" in the second line and inserting in lieu thereof "120". R.S.O. 1960, c. 73, s. 22, subs. 1, cl. *j*, amended

R.S.O. 1960, c. 73, s. 22, subs. 1, amended

(2) Subsection 1 of the said section 22, as amended by subsection 1 of section 7 of *The Corporations Tax Amendment Act, 1961-62* and section 3 of *The Corporations Tax Amendment Act, 1962-63*, is further amended by adding thereto the following clause:

expenses of objection or appeal

(*t*) amounts paid by the corporation in the fiscal year in respect of fees or expenses incurred in preparing, instituting or prosecuting an objection to, or an appeal in relation to, an assessment of tax, interest or penalties under this Act or the *Income Tax Act* (Canada).

R.S.C. 1952, c. 148

R.S.O. 1960, c. 73, s. 22, subs. 15 (1961-62, c. 23, s. 7, subs. 2), re-enacted

(3) Subsection 15 of the said section 22, as enacted by subsection 2 of section 7 of *The Corporations Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Sale of agreement for sale or mortgage included in proceeds of disposition

(15) Where depreciable property of a corporation has, in a fiscal year, been disposed of to a person with whom the corporation was dealing at arm's length, and the proceeds of disposition include an agreement for sale of or mortgage or hypothec on land that the corporation has, in a subsequent fiscal year, sold to a person with whom it was dealing at arm's length, there may be deducted, in computing the income of the corporation for the subsequent fiscal year, an amount equal to the lesser of,

(*a*) the amount, if any, by which the principal amount of the agreement for sale, mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the corporation for the agreement for sale, mortgage or hypothec; or

(*b*) the amount determined under clause *a* less the amount, if any, by which the proceeds of disposition of the depreciable property exceed the capital cost to the corporation of that property.

R.S.O. 1960, c. 73, s. 23, subs. 3, repealed

6. Subsection 3 of section 23 of *The Corporations Tax Act* is repealed.

R.S.O. 1960, c. 73, amended

7. *The Corporations Tax Act* is amended by adding thereto the following section:

Unpaid amounts

28.—(1) Where an amount in respect of a deductible outlay or expense that was owing by a corporation to a person with whom the corporation was not

Subsection 2. The new clause *t* provides that amounts paid by a corporation in relation to an objection to an assessment or an appeal from an assessment under the Act, or the *Income Tax Act* (Canada), shall be deductible in computing income.

Subsection 3. The amendment provides that, where a corporation has taken an agreement for sale as part of the proceeds of disposition of depreciable property and the agreement for sale has subsequently been sold to a purchaser at arm's length for less than the unpaid balance of the principal amount outstanding under the agreement for sale, the corporation may deduct from income the amount of the loss on the sale. A similar amendment has been made to the *Income Tax Act* (Canada).

SECTION 6. The repeal of subsection 3 of section 23 of the Act is consequential upon the amendment provided by section 7 of the Bill. Section 16 of the Bill provides a transitional rule for expenses affected by the repeal. Corresponding amendments have been made to the *Income Tax Act* (Canada).

SECTION 7. The new section 28 of the Act provides a new set of rules to cover the situation where a corporation owes an amount to a person with whom it does not deal at arm's length. It corresponds to the new section 18 of the *Income Tax Act* (Canada).

SECTION 8. This amendment brings the respective provisions into line with the *Income Tax Act* (Canada) as amended in 1964. The amendment to paragraph 9 provides that, where an agreement for sale was included in the proceeds of disposition of depreciable property and in the same fiscal year the agreement for sale was sold at arm's length for less than the unpaid balance of the principal amount outstanding under the agreement for sale, the loss may be deducted from the proceeds of disposition.

The new paragraph 10 provides that, where a corporation disposes of its interest in a partnership, the appropriate part of the amount it receives as consideration therefor shall be deemed to be received on account of the disposition of depreciable property.

dealing at arm's length at the time the outlay or expense was incurred and at the end of the second fiscal year following the fiscal year in which the outlay or expense was incurred, is unpaid at the end of that second fiscal year, either,

(*a*) the amount so unpaid shall be included in computing the income of the corporation for the third fiscal year following the fiscal year in which the outlay or expense was incurred; or

(*b*) where the corporation and that person have filed an agreement in prescribed form on or before the day on or before which the corporation is required by section 71 to file its return of income for the third succeeding fiscal year, for the purposes of this Act the following rules apply:

1. The amount so unpaid shall be deemed to have been paid by the corporation and received by that person on the first day of the said third fiscal year.

2. That person shall be deemed to have made a loan to the corporation on the first day of the said third fiscal year in an amount equal to the amount deemed by rule 1 to have been paid by the corporation.

Idem

(2) Where an amount in respect of a deductible outlay or expense that was owing by a corporation to a person with whom the corporation was not dealing at arm's length is unpaid at the time when the corporation is wound up, and the corporation is wound up before the end of the second fiscal year following the fiscal year in which the outlay or expense was incurred, the amount so unpaid shall be included in computing the income of the corporation for the fiscal year in which it is wound up.

R.S.O. 1960, c. 73, s. 31, subs. 6, par. 9 (1961-62, c. 23, s. 10), re-enacted

8. Paragraph 9 of subsection 6 of section 31 of *The Corporations Tax Act*, as enacted by section 10 of *The Corporations Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor:

9. Where depreciable property of a corporation has, in a fiscal year, been disposed of to a person with whom the corporation was dealing at arm's length,

and the proceeds of disposition include an agreement for sale of or mortgage or hypothec on land that the corporation has, in the fiscal year, sold to a person with whom it was dealing at arm's length, in consideration for an amount less than the principal amount of the agreement for sale, mortgage or hypothec, there shall be deducted in computing the proceeds of disposition the amount, if any, by which the principal amount of the agreement for sale, mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the corporation for the agreement for sale, mortgage or hypothec.

10. Where a corporation has disposed of an interest in a partnership, an amount equal to the part of the consideration for the disposition of the interest of the corporation in the partnership that can reasonably be regarded as being in relation to the interest of the corporation in the depreciable property of a class that was used in the business of the partnership shall be deemed to be proceeds of disposition of depreciable property of that class, and the person who acquired the interest of the corporation in the partnership shall be deemed to have acquired an interest in property at a capital cost equal to that amount.

R.S.O. 1960, c. 73, s. 39, subs. 4, repealed

9. Subsection 4 of section 39 of *The Corporations Tax Act* is repealed.

R.S.O. 1960, c. 73, s. 42, subs. 9, par. 2, amended

10. Paragraph 2 of subsection 9 of section 42 of *The Corporations Tax Act* is amended by striking out "does not exceed" in the first line and inserting in lieu thereof "exceeds".

R.S.O. 1960, c. 73, amended

11. *The Corporations Tax Act* is amended by adding thereto the following section:

CORPORATIONS IN DESIGNATED AREAS

Exemptions of income from manufacturing or processing business in designated area

46*a*.—(1) Subject to subsections 2 to 8, there shall not be included in computing the income of a corporation for a fiscal year income from the carrying on by the corporation of a manufacturing or processing business in a designated area during a fiscal year of the business,

(*a*) occurring wholly within the thirty-six-month period that commenced on the day certified as the day on which the business commenced

SECTION 9. When subsection 4 of section 39 was added to the Act in 1960, it was intended to place beyond doubt that, commencing with the fiscal year 1957, a corporation in determining income for a fiscal year must carry forward or carry back business losses in the same amount and to the same extent as under the *Income Tax Act* (Canada). This subsection is now repealed since the situation intended to be covered by this subsection has been corrected with the passage of time and is now covered by paragraph 3 of subsection 1 of the said section.

SECTION 10. This amendment corrects an error made when the subsection was enacted.

SECTION 11. This new section provides a 36-month exemption from tax for income from a new manufacturing or processing business in a designated area. It corresponds to section 71A of the *Income Tax Act* (Canada) as amended in 1964.

manufacturing or processing in reasonable commercial quantities; and

(*b*) for which the business is certified to be a new manufacturing or processing business carried on in a designated area.

(2) In this section, Interpretation

(*a*) "certified" means certified by the Treasurer pursuant to subsection 6;

(*b*) "designated area" has the meaning given to that expression by the *Department of Industry Act* (Canada); 1963, c. 3 (Can.)

(*c*) "manufacturing or processing business" means a business that had net sales for the fiscal year in respect of which the expression is being applied from the sale of goods processed or manufactured in Canada by the business the amount of which was at least 95 per cent of the amount by which the gross revenue from the business for the fiscal year exceeds the aggregate of each amount paid or credited in the fiscal year to a customer of the business as a bonus, rebate or discount or for returned or damaged goods, but does not include a business that is principally,

(i) operating a gas or oil well,

(ii) logging,

(iii) mining,

(iv) construction, or

(v) a combination of two or more of the classes set out in subclauses i to iv;

(*d*) "net sales" of a business for a fiscal year means an amount equal to,

(i) the gross revenue from the business for the fiscal year from sales,

minus,

(ii) the aggregate of each amount paid or credited in the fiscal year to a customer

of the business as a bonus, rebate or discount or for returned or damaged goods;

(*e*) "new manufacturing or processing business" means a manufacturing or processing business that commenced manufacturing or processing in reasonable commercial quantities after the the 4th day of December, 1963, and before the 1st day of April, 1967;

(*f*) "sales", in relation to a business, means sales in respect of which an amount is included in computing the income from the business for the fiscal year otherwise than by virtue of section 31 or subsection 1 of section 62; and

(*g*) goods processed or manufactured shall be deemed not to include goods that have been packaged only.

Business in a designated area

(3) For the purpose of this section, a corporation shall be deemed not to have been carrying on a business in a designated area in a fiscal year unless,

(*a*) throughout the fiscal year, the value of all machinery, equipment (other than delivery equipment) and buildings situated in the designated area that were owned or leased by the corporation and used in the business is at least 95 per cent of the value of all machinery, equipment (other than delivery equipment) and buildings wherever situated that were owned or leased by the corporation and used in the business; and

(*b*) throughout the fiscal year, the value of all machinery and equipment that were owned or leased by the corporation and used in the business, and that were acquired by the corporation or by the lessor, as the case may be, after the 13th day of June, 1963, and had not been used for any purpose whatever before the 14th day of June, 1963, is at least 95 per cent of the value of all machinery and equipment that were used in the business.

Rent

(4) For the purpose of clause *c* of subsection 2, an amount equal to that part of the gross revenue from a business for a fiscal year that is rent from goods processed or manufactured in Canada in the course

of the business shall, in determining whether the business is a manufacturing or processing business in the fiscal year, be added to the net sales for the fiscal year from the sale of goods processed or manufactured in Canada by the business.

Determination of value

(5) For the purpose of subsection 3, the value of any machinery, equipment and buildings that were owned or leased by a corporation and used in a business is the value thereof as of the day such machinery, equipment and buildings were first used in the business.

Certification

(6) The Treasurer may, upon application in prescribed manner by a corporation carrying on a new manufacturing or processing business in a designated area, issue a certificate certifying for the fiscal year of the business in respect of which the application is made,

(*a*) that the business was a new manufacturing or processing business;

(*b*) that the business was being carried on in a designated area; and

(*c*) in the case of the first fiscal year of the business for which a certificate is issued, the day upon which the business commenced manufacturing or processing in reasonable commercial quantities.

Notice of intention

(7) A corporation intending to carry on a new manufacturing or processing business in a designated area may file with the Treasurer a notice of intention in such form as may be prescribed.

Deemed designated area

(8) Where, during a fiscal year when an area was a designated area,

(*a*) a certificate was issued under subsection 6; or

(*b*) a notice of intention was filed under subsection 7,

with respect to a new manufacturing or processing business of a corporation in that area, if the area has ceased to be a designated area, it shall,

(*c*) where the business commenced manufacturing or processing in reasonable commercial quantities before the area ceased to be a designated area or within twelve months thereafter; or

(*d*) in any other case, if the Treasurer is satisfied,

(i) that the corporation had made substantial progress in establishing the new business before the area ceased to be a designated area, and

(ii) that the corporation proceeded with reasonable expedition, after the area ceased to be a designated area, to cause the business to commence manufacturing or processing in reasonable commercial quantities,

for the purposes of the application of this section in computing the income of the corporation from carrying on the business, be deemed to be a designated area.

R.S.O. 1960, c. 73, s. 47, amended

12. -(1) Section 47 of *The Corporations Tax Act*, as amended by subsections 1 and 2 of section 16 of *The Corporations Tax Amendment Act, 1961-62*, section 6 of *The Corporations Tax Amendment Act, 1962-63* and section 9 of *The Corporations Tax Amendment Act, 1964*, is further amended by adding thereto the following subsection:

Idem

(1*a*) There may be deducted, in computing the income for a fiscal year of a corporation that carried on business in Canada and made expenditures in the fiscal year in respect of scientific research carried on outside Canada, all such expenditures of a current nature made in the year,

(*a*) on scientific research related to the business and directly undertaken by or on behalf of the corporation; or

(*b*) by payments to an approved association, university, college, research institute or other similar institution to be used for scientific research related to the class of business of the corporation.

R.S.O. 1960, c. 73, s. 47, subs. 3*a* (1964, c. 11, s. 9), re-enacted

(2) Subsection 3*a* of the said section 47, as enacted by section 9 of *The Corporations Tax Amendment Act, 1964*, is repealed and the following substituted therefor:

Idem

(3*a*) Where in respect of an expenditure on scientific research made by a corporation in a fiscal year an amount is deductible under this section and under

SECTION 12—Subsection 1. The new subsection provides that a corporation may deduct, in computing its income, certain expenditures in respect of scientific research made outside Canada.

Subsection 2. The amendment corrects a misleading reference to section 39.

Subsection 3. This amendment is consequential to the amendment provided by subsection 1.

Similar amendments have been made to the *Income Tax Act* (Canada).

SECTION 13. This amendment provides that the rules that apply in respect of the sale of accounts receivable, at the joint election of the vendor and purchaser, on the sale of a business, shall also apply in respect of the sale of debts arising from loans made in the ordinary course of a money-lending business, at the joint election of the vendor and purchaser, on the sale of that business. It corresponds to the amendment to section 85D of the *Income Tax Act* (Canada).

SECTION 14—Subsection 1. The new subsection 1 of section 63 extends the method of computing the income on the "cash" method to a corporation, the income of which is from a profession, if the corporation so elects under subsection 1 of section 85F of the *Income Tax Act* (Canada).

section 39, no deduction may be made in respect of the expenditure under section 39 in computing the taxable income of the corporation for any fiscal year.

(3) Clause *c* of subsection 4 of the said section 47, as re-enacted by subsection 5 of section 6 of *The Corporations Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 47, subs. 4, cl. *c* (1962-63, c. 26, s. 6, subs. 5), re-enacted

(*c*) references to expenditures on or in respect of scientific research,

(i) where the references occur in subsection 1*a*, include only expenditures incurred for and wholly attributable to the prosecution of scientific research, and

(ii) where the references occur other than in subsection 1*a*, include only expenditures incurred for and wholly attributable to the prosecution, or the provision of facilities for the prosecution, of scientific research in Canada; and

. . . . . .

13. Subsection 1 of section 61 of *The Corporations Tax Act* is amended by striking out the first ten lines and inserting in lieu thereof the following: R.S.O. 1960, c. 73, s. 61, subs. 1, amended

(1) Where a person who has been carrying on a business has, in a fiscal year, sold all or substantially all the property used in carrying on the business, including the debts that have been or will be included in computing his income for that fiscal year or a previous fiscal year and that are still outstanding, and including the debts arising from loans made in the ordinary course of his business if part of his ordinary business was the lending of money and that are still outstanding, to a purchaser who proposes to continue the business which the vendor has been carrying on, if the vendor and the purchaser have executed jointly an election in prescribed form to have this section apply, the following rules are applicable: Sale of accounts receivable

. . . . . .

14.—(1) Subsection 1 of section 63 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 63, subs. 1, re-enacted

Cash method may be used by corporation in business of farming or profession

(1) For the purpose of computing the income of a corporation for a fiscal year from a business of the following description, namely,

(*a*) farming; or

(*b*) a profession,

the income from the business for that fiscal year shall, if the corporation so elects under subsection 1 of section 85F of the *Income Tax Act* (Canada), be computed in accordance with a method (hereinafter in this section referred to as the "cash" method) whereby the income therefrom for that fiscal year shall be deemed to be an amount equal to,

R.S.C. 1952, c. 148

(*c*) the aggregate of all amounts that,

(i) were received in the fiscal year, or are deemed by this Act to have been received in the fiscal year, in the course of carrying on the business, and

(ii) were in payment of or on account of an amount that would, if the income from the business were not computed in accordance with the cash method, be included in computing income therefrom for that or any other fiscal year,

minus,

(*d*) the aggregate of all amounts that,

(i) were paid in the fiscal year, or are deemed by this Act to have been paid in the fiscal year, in the course of carrying on the business, and

(ii) were in payment of or on account of an amount that would, if the income from the business were not computed in accordance with the cash method, be deductible in computing income therefrom for that or any other fiscal year,

and minus any deduction for the fiscal year permitted by clause *a* of subsection 2 of section 22.

Subsection 2. The new subsection 3 of section 63 is consequential to the re-enactment of subsection 1. The new subsection 3*a* provides that, where a corporation that has been carrying on business in Canada and reporting income by the cash method ceases to be a resident of Canada, the value of the accounts receivable and of the inventory of the business at the time it ceased to be a resident of Canada shall be included in computing its income from the business for the last fiscal year in which it resided in Canada. There is a corresponding provision in the *Income Tax Act* (Canada).

Subsection 3. The repeal of subsection 5 of section 63 is consequential to the repeal of subsection 4 of section 62 in an earlier year.

(2) Subsection 3 of the said section 63 is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 63, subs. 3, re-enacted

(3) Where a corporation has filed a return under this Act for a fiscal year wherein its income for that fiscal year from a business described in subsection 1 has been computed in accordance with the method authorized by that subsection, income from the business for a subsequent fiscal year shall, subject to other provisions of this Part, be computed in accordance with that method unless the corporation, with the concurrence of the Treasurer and upon such terms and conditions as are specified by the Treasurer, adopts some other method. Cash method must be used in subsequent fiscal years

(3*a*) Where a corporation that, at a time when it was a resident of Canada, carried on a business the income from which was computed in accordance with the method authorized by subsection 1 has, upon or after disposing of or ceasing to carry on the business or a part of the business, ceased to be a resident of Canada in a fiscal year, an amount equal to the value, at the time it ceased to be a resident of Canada, of, When corporation ceases to carry on business in Ontario, accounts receivable added to income of last fiscal year

(*a*) such part of the property that would have been included in the inventory of the business or the part of the business if the income from the business had not been computed in accordance with the method authorized by subsection 1 as remained the property of the corporation at the time it ceased to be a resident of Canada; and

(*b*) such part of amounts outstanding at the time it ceased to be a resident of Canada as or on account of debts owing to the corporation that arose in the course of carrying on the business as would have been included in computing its income for the fiscal year if the amounts had been received by it in the fiscal year at a time when it was a resident of Canada,

shall be included in computing its income.

(3) Subsection 5 of the said section 63 is repealed. R.S.O. 1960, c. 73, s. 63, subs. 5, repealed

1964, c. 11, s. 14, subs. 3, re-enacted

15. Subsection 3 of section 14 of *The Corporations Tax Amendment Act, 1964* is repealed and the following substituted therefor:

Idem, ss. 1-4, 7, s. 11, subss. 1, 2, ss. 12, 13

(3) Sections 1, 2, 3, 4 and 7, subsections 1 and 2 of section 11 and sections 12 and 13 apply in respect of fiscal years of corporations ending in 1963 and in respect of subsequent fiscal years.

Application of Act

16.—(1) Subsections 1 and 3 of section 12 apply in respect of fiscal years of corporations ending in 1962 and in respect of subsequent fiscal years.

Idem

(2) Subsection 5 of section 2 and subsection 3 of section 5 apply in respect of fiscal years of corporations ending in 1963 and in respect of subsequent fiscal years.

Idem

(3) Paragraph 9 of subsection 6 of section 31 of *The Corporations Tax Act*, as re-enacted by section 8, applies in respect of fiscal years of corporations ending in 1963 and in respect of subsequent fiscal years.

Idem

(4) Section 1, subsections 1 to 4 of section 2, section 4, subsections 1 and 2 of section 5 and sections 9, 11, 13 and 14 apply in respect of fiscal years of corporations ending in 1964 and in respect of subsequent fiscal years.

Idem

(5) Except as provided by subsection 6, section 6 applies in respect of fiscal years of corporations ending in 1964 and in respect of subsequent fiscal years.

Idem

(6) Where an amount in respect of an outlay or expense that was incurred before the 1964 fiscal year and that was not deductible by reason of the application of subsection 3 of section 23 of *The Corporations Tax Act* is paid before 1967, it may be deducted in computing the income of the corporation for the fiscal year in which it is paid.

Idem

(7) Section 28 of *The Corporations Tax Act*, as enacted by section 7, is applicable to an outlay or expense incurred in the 1964 fiscal year or subsequent fiscal years.

Idem

(8) Paragraph 10 of subsection 6 of section 31 of *The Corporations Tax Act*, as enacted by section 8, applies in respect of fiscal years of corporations ending in 1964 and in respect of subsequent fiscal years.

Commencement

17.—(1) This Act, except sections 3 and 15, comes into force on the day it receives Royal Assent.

(2) Section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation and applies in respect of fiscal years specified therein. Idem

(3) Section 15 shall be deemed to have come into force on the 25th day of March, 1964. Idem

18. This Act may be cited as *The Corporations Tax Amendment Act, 1965*. Short title

The Corporations Tax Act

1st Reading

May 6th, 1965

2nd Reading

3rd Reading

MR. ALLAN

1965

BILL 130

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Corporations Tax Act

MR. ALLAN

TORONTO
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BILL 130 **1965**

An Act to amend The Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Corporations Tax Act*, as amended by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by adding thereto the following paragraph: R.S.O. 1960, c. 73, s. 1, subs. 1, amended

38*a*. "superannuation or pension benefit" includes any amount received out of or under a superannuation or pension fund or plan, and, without restricting the generality of the foregoing, includes any payment made to a beneficiary under the fund or plan or to an employer or former employer of the beneficiary thereunder,

i. in accordance with the terms of the fund or plan,

ii. resulting from an amendment to or modification of the fund or plan, or

iii. resulting from the termination of the fund or plan.

2.—(1) Subclause ii of clause *a* of subsection 1 of section 1*a* of *The Corporations Tax Act*, as enacted by section 1 of *The Corporations Tax Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 1*a* (1964, c. 11, s. 1), subs. 1, cl. *a*, subcl. ii, re-enacted

(ii) either,

(A) not less than 25 per cent of the issued and outstanding shares of the corporation having full voting rights under all circumstances were owned by one or more individuals resident in Canada, one or more corporations controlled

in Canada or a combination thereof, and equity shares representing in the aggregate not less than 25 per cent of that part of the paid-up capital of the corporation that was represented by all the issued and outstanding equity shares of the corporation were owned by one or more individuals resident in Canada, one or more corporations controlled in Canada or a combination thereof, or

(B) a class or classes of shares of the corporation having full voting rights under all circumstances were listed on a prescribed stock exchange in Canada, and it is established in prescribed manner that no one non-resident person and no one corporation that did not comply with sub-subclause A of this subclause owned more than 75 per cent of the issued and outstanding shares of the corporation having full voting rights under all circumstances, alone or in combination with any other person related to such non-resident person or such corporation at any time within the period within the meaning of subsection 3 or 4 of section 1, and a class or classes of equity shares of the corporation representing in the aggregate not less than 50 per cent of that part of the paid-up capital of the corporation that was represented by all the issued and outstanding equity shares of the corporation were listed on a prescribed stock exchange in Canada, and it is established in prescribed manner that no one non-resident person and no one corporation that did not comply with sub-subclause A of this subclause owned equity shares representing in the aggregate more than 75 per cent of that part of the paid-up capital of the corporation that was represented by all the issued and outstanding equity shares of the corporation, alone or in combination with any other person related to such non-resident person or such corporation at any time within the period within the meaning of subsection 3 or 4 of section 1, and

. . . . . .

R.S.O. 1960, c. 73, s. 1*a* (1964, c. 11, s. 1), subs. 1, amended

(2) Subsection 1 of the said section 1*a* is amended by striking out "or" at the end of clause *a* and by striking out clause *b* and inserting in lieu thereof the following:

(*b*) the corporation complied with the conditions specified in subclauses i and iii of clause *a* and was a subsidiary wholly-owned corporation subsidiary to a corporation that throughout the sixty-day period complied with the conditions specified in clause *a* or *c*; or

(*c*) the corporation complied with the conditions specified in subclauses i and iii of clause *a* and was a subsidiary-controlled corporation,

(i) of which equity shares representing at least 75 per cent of that part of the paid-up capital of the corporation that is represented by all the issued and outstanding equity shares were owned by,

(A) the corporation to which it was subsidiary,

(B) a corporation controlled in Canada,

(C) an individual resident in Canada, or

(D) any combination of persons described in sub-subclause A, B or C, and

(ii) subsidiary to a corporation that throughout the sixty-day period complied with the conditions specified in clause *a* or *b*.

(3) Clauses *a*, *b* and *c* of subsection 2 of the said section 1*a* are repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 1*a* (1964, c. 11, s. 1), subs. 2, cls. *a-c*, re-enacted

(*a*) a corporation that has share capital is not controlled in Canada at a particular time unless at that time the corporation is resident in Canada, and,

(i) more than 50 per cent of its issued and outstanding shares having full voting rights under all circumstances,

(ii) shares representing in the aggregate more than 50 per cent of its paid-up capital, and

(iii) equity shares representing in the aggregate more than 50 per cent of that part of the paid-up capital of the corporation that is represented by all the issued and outstanding equity shares,

are owned by,

(iv) individuals resident in Canada,

(v) corporations resident in Canada with respect to each of which,

(A) more than 50 per cent of the issued shares having full voting rights under all circumstances,

(B) shares representing in the aggregate more than 50 per cent of the paid-up capital, and

(C) equity shares representing in the aggregate more than 50 per cent of that part of the paid-up capital of the corporation that is represented by all the issued and outstanding equity shares,

are owned by individuals resident in Canada, or

(vi) any combination of individuals or corporations described in subclause iv or v;

(*b*) where,

(i) a non-resident person,

(ii) a corporation that does not have a degree of Canadian ownership, or

(iii) a corporation that is related to a non-resident person within the meaning of subsection 3 or 4 of section 1,

has a right, either as an incident of ownership of a share of a corporation or otherwise under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, equity shares in a corporation, those shares shall,

(iv) unless the right is contingent upon an event that it is not reasonable to expect to occur within a reasonable time, or

(v) unless the right is such that a reasonable man concerned only with the value of the shares would not exercise it,

be deemed,—

(vi) to be owned by the person who has the right,

(vii) to be owned by a non-resident person, where the person who has the right is a corporation described in subclause ii or iii, and

(viii) where the shares are unissued,

(A) to be issued and outstanding, and

(B) to have a paid-up capital value, with respect to each share, equal to,

1. the par value, where the shares have a par value,

2. the amount that would be paid with respect to each share to exercise the right under the terms of the contract, where the shares have no par value and an amount is specified in the contract, or

3. the market value at the end of the relevant sixty-day period of a share of the class of shares of that corporation that is most closely similar to that share, where the shares have no par value and no amount is specified in the contract,

and any other person who actually owns the shares in respect of which that right exists shall be deemed not to own those shares;

(*c*) where shares are owned by a trustee resident in Canada, other than a trustee,

(i) who is a trustee under,

(A) a registered pension fund or plan,

(B) a deferred profit sharing plan,

(C) an employees profit sharing plan, or

(D) a supplementary unemployment benefit plan,

in relation to which at least 75 per cent of the employees covered by the plan are resident in Canada, and

(ii) who owns, as trustee, if he is a trustee under a registered pension fund or plan, less than 10 per cent of the issued and outstanding equity shares of a corporation that is an employer of employees covered by the registered pension fund or plan, or a corporation related thereto within the meaning of subsection 3 or 4 of section 1,

the shares shall be deemed not to be owned by a person resident in Canada unless it is established that each beneficiary under the trust is an individual resident in Canada.

R.S.O. 1960, c. 73, s. 1*a* (1964, c. 11, s. 1), subs. 2, amended

(4) Subsection 2 of the said section 1*a* is amended by adding thereto the following clauses:

(*e*) "equity share" means,

(i) a share, other than a non-participating share, the owner of which has, as owner thereof, a right,

(A) to a dividend, and

(B) to a part of the surplus of the corporation after repayment of capital and payment of arrears of dividend, upon the redemption of the share, a reduction of the capital of the corporation or the winding up of the corporation,

at least as great, in any event, as the right of the owner of any other share, other than a non-participating share, of the corporation, when the magnitude of the right in each case is expressed as a rate based on the paid-up capital value of the share to which the right relates, or

(ii) a share, other than a non-participating share, the owner of which has, as owner thereof, a right,

(A) to a dividend, after a dividend at a rate not in excess of 8 per cent per annum of the paid-up capital value of each share has been paid to the owners of shares of a class other than the class to which that share belongs, and

(B) to a part of the surplus of the corporation after repayment of capital and payment of arrears of dividend, upon the redemption of the share, a reduction of the capital of the corporation or the winding up of the corporation, after a payment of a part of the surplus at a rate not in excess of 10 per cent of the paid-up capital value of each share has been made to the owners of shares of a class other than the class to which that share belongs,

at least as great, in any event, as the right of the owner of any other share, other than a non-participating share, of the corporation, when the magnitude of the right in each case is expressed as a rate based on the paid-up capital value of the share to which the right relates;

(*f*) "non-participating share" means a share the owner of which is not entitled to receive, as owner thereof, any dividend other than a dividend, whether cumulative or not,

(i) at a fixed annual rate or amount, or

(ii) at an annual rate or amount not in excess of a fixed annual rate or amount;

(*g*) "paid-up capital value", with reference to a share, means,

(i) in the case of an unissued share that is deemed by clause *b* to be issued and outstanding, the amount determined under sub-subclause B of subclause viii of that clause, and

(ii) in any other case, an amount equal to the paid-up capital of the corporation that is represented by the shares of the class to which that share belongs divided by the number of shares of that class that are in fact issued and outstanding; and

(*h*) where,

(i) the paid-up capital of a corporation that is represented by all the issued and outstanding equity shares of the corporation is less than 50 per cent of the paid-up capital of the corporation that is represented by all the issued and outstanding shares of the corporation other than non-participating shares, or

(ii) a non-participating share of the corporation, the owner of which has, as owner, a right to a dividend,

(A) at a fixed annual rate in excess of 8 per cent, or

(B) at an annual rate not in excess of a fixed maximum annual rate, if the fixed maximum annual rate is in excess of 8 per cent,

when the right to the dividend is expressed as a rate based on the paid-up capital value of the share to which the right relates, is issued and outstanding,

the issued and outstanding equity shares of the corporation shall be deemed not to be equity shares.

R.S.O. 1960, c. 73, s. 1*a* (1964, c. 11, s. 1), subs. 3, re-enacted

(5) Subsection 3 of the said section 1*a* is repealed and the following substituted therefor:

Idem, election

(3) Where a corporation so elects, that portion of subsection 1 that precedes clause *a* thereof shall, for the 1963 fiscal year of that corporation, be read as follows:

(1) For the purposes of this Act, a corporation has a degree of Canadian ownership in a fiscal year if throughout any sixty-day period commencing after the 13th day of June, 1963, and ending before the 1st day of May, 1964,

. . . . .

R.S.O. 1960, c. 73, s. 1*a* (1964, c. 11, s. 1), amended

(6) The said section 1*a* is amended by adding thereto the following subsection:

Idem, election

(4) Where a corporation so elects, that portion of subsection 1 that precedes clause *a* thereof shall, for the

1964 and 1965 fiscal years of that corporation, be read as follows:

(1) For the purposes of this Act, a corporation has a degree of Canadian ownership in a fiscal year if throughout any sixty-day period commencing after the 13th day of June, 1963, and ending before the 1st day of January, 1965,

. . . . .

3. Subsection 1 of section 13 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 13, subs. 1, re-enacted

(1) Every insurance corporation shall pay a tax of 2 per cent calculated on the gross premiums that become payable to the corporation or its agent or agents during the fiscal year in respect of business transacted in Ontario, other than premiums in respect of re-insurance ceded to the corporation by other insurance corporations and considerations for annuities, after deducting from such premiums, Insurance companies

(*a*) cash value of dividends credited to policyholders;

(*b*) premiums returned.

4. Section 17 of *The Corporations Tax Act*, as amended by section 5 of *The Corporations Tax Amendment Act, 1961-62*, section 2 of *The Corporations Tax Amendment Act, 1962-63* and section 2 of *The Corporations Tax Amendment Act, 1964*, is further amended by striking out "and" at the end of clause *j* in the amendment of 1964 and by adding thereto the following clauses: R.S.O. 1960, c. 73, s. 17, amended

(*l*) amounts received by the corporation in the fiscal year as legal costs awarded to it by a court on an appeal in relation to an assessment of tax, interest or penalties under this Act, or the *Income Tax Act* (Canada), if with respect to that assessment an amount has been deducted or may be deducted under clause *t* of subsection 1 of section 22 in computing its income; and legal costs R.S.C. 1952, c. 148

(*m*) superannuation or pension benefits. superannuation or pension benefits

5.—(1) Clause *j* of subsection 1 of section 22 of *The Corporations Tax Act* is amended by striking out "sixty" in the second line and inserting in lieu thereof "120". R.S.O. 1960, c. 73, s. 22, subs. 1, cl. *j*, amended

R.S.O. 1960, c. 73, s. 22, subs. 1, amended

(2) Subsection 1 of the said section 22, as amended by subsection 1 of section 7 of *The Corporations Tax Amendment Act, 1961-62* and section 3 of *The Corporations Tax Amendment Act, 1962-63*, is further amended by adding thereto the following clause:

expenses of objection or appeal

(*t*) amounts paid by the corporation in the fiscal year in respect of fees or expenses incurred in preparing, instituting or prosecuting an objection to, or an appeal in relation to, an assessment of tax, interest or penalties under this Act or the *Income Tax Act* (Canada).

R.S.C. 1952, c. 148

R.S.O. 1960, c. 73, s. 22, subs. 15 (1961-62, c. 23, s. 7, subs. 2), re-enacted

(3) Subsection 15 of the said section 22, as enacted by subsection 2 of section 7 of *The Corporations Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Sale of agreement for sale or mortgage included in proceeds of disposition

(15) Where depreciable property of a corporation has, in a fiscal year, been disposed of to a person with whom the corporation was dealing at arm's length, and the proceeds of disposition include an agreement for sale of or mortgage or hypothec on land that the corporation has, in a subsequent fiscal year, sold to a person with whom it was dealing at arm's length, there may be deducted, in computing the income of the corporation for the subsequent fiscal year, an amount equal to the lesser of,

(*a*) the amount, if any, by which the principal amount of the agreement for sale, mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the corporation for the agreement for sale, mortgage or hypothec; or

(*b*) the amount determined under clause *a* less the amount, if any, by which the proceeds of disposition of the depreciable property exceed the capital cost to the corporation of that property.

R.S.O. 1960, c. 73, s. 23, subs. 3, repealed

6. Subsection 3 of section 23 of *The Corporations Tax Act* is repealed.

R.S.O. 1960, c. 73, amended

7. *The Corporations Tax Act* is amended by adding thereto the following section:

Unpaid amounts

28.—(1) Where an amount in respect of a deductible outlay or expense that was owing by a corporation to a person with whom the corporation was not

dealing at arm's length at the time the outlay or expense was incurred and at the end of the second fiscal year following the fiscal year in which the outlay or expense was incurred, is unpaid at the end of that second fiscal year, either,

(*a*) the amount so unpaid shall be included in computing the income of the corporation for the third fiscal year following the fiscal year in which the outlay or expense was incurred; or

(*b*) where the corporation and that person have filed an agreement in prescribed form on or before the day on or before which the corporation is required by section 71 to file its return of income for the third succeeding fiscal year, for the purposes of this Act the following rules apply:

1. The amount so unpaid shall be deemed to have been paid by the corporation and received by that person on the first day of the said third fiscal year.

2. That person shall be deemed to have made a loan to the corporation on the first day of the said third fiscal year in an amount equal to the amount deemed by rule 1 to have been paid by the corporation.

Idem

(2) Where an amount in respect of a deductible outlay or expense that was owing by a corporation to a person with whom the corporation was not dealing at arm's length is unpaid at the time when the corporation is wound up, and the corporation is wound up before the end of the second fiscal year following the fiscal year in which the outlay or expense was incurred, the amount so unpaid shall be included in computing the income of the corporation for the fiscal year in which it is wound up.

R.S.O. 1960, c. 73, s. 31, subs. 6, par. 9 (1961-62, c. 23, s. 10), re-enacted

8. Paragraph 9 of subsection 6 of section 31 of *The Corporations Tax Act*, as enacted by section 10 of *The Corporations Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor:

9. Where depreciable property of a corporation has, in a fiscal year, been disposed of to a person with whom the corporation was dealing at arm's length,

and the proceeds of disposition include an agreement for sale of or mortgage or hypothec on land that the corporation has, in the fiscal year, sold to a person with whom it was dealing at arm's length, in consideration for an amount less than the principal amount of the agreement for sale, mortgage or hypothec, there shall be deducted in computing the proceeds of disposition the amount, if any, by which the principal amount of the agreement for sale, mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the corporation for the agreement for sale, mortgage or hypothec.

10. Where a corporation has disposed of an interest in a partnership, an amount equal to the part of the consideration for the disposition of the interest of the corporation in the partnership that can reasonably be regarded as being in relation to the interest of the corporation in the depreciable property of a class that was used in the business of the partnership shall be deemed to be proceeds of disposition of depreciable property of that class, and the person who acquired the interest of the corporation in the partnership shall be deemed to have acquired an interest in property at a capital cost equal to that amount.

R.S.O. 1960, c. 73, s. 39, subs. 4, repealed

9. Subsection 4 of section 39 of *The Corporations Tax Act* is repealed.

R.S.O. 1960, c. 73, s. 42, subs. 9, par. 2, amended

10. Paragraph 2 of subsection 9 of section 42 of *The Corporations Tax Act* is amended by striking out "does not exceed" in the first line and inserting in lieu thereof "exceeds".

R.S.O. 1960, c. 73, amended

11. *The Corporations Tax Act* is amended by adding thereto the following section:

CORPORATIONS IN DESIGNATED AREAS

Exemptions of income from manufacturing or processing business in designated area

46*a*.—(1) Subject to subsections 2 to 8, there shall not be included in computing the income of a corporation for a fiscal year income from the carrying on by the corporation of a manufacturing or processing business in a designated area during a fiscal year of the business,

(*a*) occurring wholly within the thirty-six-month period that commenced on the day certified as the day on which the business commenced

manufacturing or processing in reasonable commercial quantities; and

(*b*) for which the business is certified to be a new manufacturing or processing business carried on in a designated area.

(2) In this section, Interpretation

(*a*) "certified" means certified by the Treasurer pursuant to subsection 6;

(*b*) "designated area" has the meaning given to that expression by the *Department of Industry Act* (Canada); 1963, c. 3 (Can.)

(*c*) "manufacturing or processing business" means a business that had net sales for the fiscal year in respect of which the expression is being applied from the sale of goods processed or manufactured in Canada by the business the amount of which was at least 95 per cent of the amount by which the gross revenue from the business for the fiscal year exceeds the aggregate of each amount paid or credited in the fiscal year to a customer of the business as a bonus, rebate or discount or for returned or damaged goods, but does not include a business that is principally,

(i) operating a gas or oil well,

(ii) logging,

(iii) mining,

(iv) construction, or

(v) a combination of two or more of the classes set out in subclauses i to iv;

(*d*) "net sales" of a business for a fiscal year means an amount equal to,

(i) the gross revenue from the business for the fiscal year from sales,

minus,

(ii) the aggregate of each amount paid or credited in the fiscal year to a customer

of the business as a bonus, rebate or discount or for returned or damaged goods;

(*e*) "new manufacturing or processing business" means a manufacturing or processing business that commenced manufacturing or processing in reasonable commercial quantities after the the 4th day of December, 1963, and before the 1st day of April, 1967;

(*f*) "sales", in relation to a business, means sales in respect of which an amount is included in computing the income from the business for the fiscal year otherwise than by virtue of section 31 or subsection 1 of section 62; and

(*g*) goods processed or manufactured shall be deemed not to include goods that have been packaged only.

Business in a designated area

(3) For the purpose of this section, a corporation shall be deemed not to have been carrying on a business in a designated area in a fiscal year unless,

(*a*) throughout the fiscal year, the value of all machinery, equipment (other than delivery equipment) and buildings situated in the designated area that were owned or leased by the corporation and used in the business is at least 95 per cent of the value of all machinery, equipment (other than delivery equipment) and buildings wherever situated that were owned or leased by the corporation and used in the business; and

(*b*) throughout the fiscal year, the value of all machinery and equipment that were owned or leased by the corporation and used in the business, and that were acquired by the corporation or by the lessor, as the case may be, after the 13th day of June, 1963, and had not been used for any purpose whatever before the 14th day of June, 1963, is at least 95 per cent of the value of all machinery and equipment that were used in the business.

Rent

(4) For the purpose of clause *c* of subsection 2, an amount equal to that part of the gross revenue from a business for a fiscal year that is rent from goods processed or manufactured in Canada in the course

of the business shall, in determining whether the business is a manufacturing or processing business in the fiscal year, be added to the net sales for the fiscal year from the sale of goods processed or manufactured in Canada by the business.

Determination of value

(5) For the purpose of subsection 3, the value of any machinery, equipment and buildings that were owned or leased by a corporation and used in a business is the value thereof as of the day such machinery, equipment and buildings were first used in the business.

Certification

(6) The Treasurer may, upon application in prescribed manner by a corporation carrying on a new manufacturing or processing business in a designated area, issue a certificate certifying for the fiscal year of the business in respect of which the application is made,

(*a*) that the business was a new manufacturing or processing business;

(*b*) that the business was being carried on in a designated area; and

(*c*) in the case of the first fiscal year of the business for which a certificate is issued, the day upon which the business commenced manufacturing or processing in reasonable commercial quantities.

Notice of intention

(7) A corporation intending to carry on a new manufacturing or processing business in a designated area may file with the Treasurer a notice of intention in such form as may be prescribed.

Deemed designated area

(8) Where, during a fiscal year when an area was a designated area,

(*a*) a certificate was issued under subsection 6; or

(*b*) a notice of intention was filed under subsection 7,

with respect to a new manufacturing or processing business of a corporation in that area, if the area has ceased to be a designated area, it shall,

(*c*) where the business commenced manufacturing or processing in reasonable commercial quantities before the area ceased to be a designated area or within twelve months thereafter; or

(*d*) in any other case, if the Treasurer is satisfied,

(i) that the corporation had made substantial progress in establishing the new business before the area ceased to be a designated area, and

(ii) that the corporation proceeded with reasonable expedition, after the area ceased to be a designated area, to cause the business to commence manufacturing or processing in reasonable commercial quantities,

for the purposes of the application of this section in computing the income of the corporation from carrying on the business, be deemed to be a designated area.

R.S.O. 1960, c. 73, s. 47, amended

12.—(1) Section 47 of *The Corporations Tax Act*, as amended by subsections 1 and 2 of section 16 of *The Corporations Tax Amendment Act, 1961-62*, section 6 of *The Corporations Tax Amendment Act, 1962-63* and section 9 of *The Corporations Tax Amendment Act, 1964*, is further amended by adding thereto the following subsection:

Idem

(1*a*) There may be deducted, in computing the income for a fiscal year of a corporation that carried on business in Canada and made expenditures in the fiscal year in respect of scientific research carried on outside Canada, all such expenditures of a current nature made in the year,

(*a*) on scientific research related to the business and directly undertaken by or on behalf of the corporation; or

(*b*) by payments to an approved association, university, college, research institute or other similar institution to be used for scientific research related to the class of business of the corporation.

R.S.O. 1960, c. 73, s. 47, subs. 3*a* (1964, c. 11, s. 9), re-enacted

(2) Subsection 3*a* of the said section 47, as enacted by section 9 of *The Corporations Tax Amendment Act, 1964*, is repealed and the following substituted therefor:

Idem

(3*a*) Where in respect of an expenditure on scientific research made by a corporation in a fiscal year an amount is deductible under this section and under

section 39, no deduction may be made in respect of the expenditure under section 39 in computing the taxable income of the corporation for any fiscal year.

(3) Clause *c* of subsection 4 of the said section 47, as re-enacted by subsection 5 of section 6 of *The Corporations Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 47, subs. 4, cl. *c* (1962-63, c. 26, s. 6, subs. 5), re-enacted

(*c*) references to expenditures on or in respect of scientific research,

(i) where the references occur in subsection 1*a*, include only expenditures incurred for and wholly attributable to the prosecution of scientific research, and

(ii) where the references occur other than in subsection 1*a*, include only expenditures incurred for and wholly attributable to the prosecution, or the provision of facilities for the prosecution, of scientific research in Canada; and

. . . . .

13. Subsection 1 of section 61 of *The Corporations Tax Act* is amended by striking out the first ten lines and inserting in lieu thereof the following: R.S.O. 1960 c. 73, s. 61, subs. 1, amended

(1) Where a person who has been carrying on a business has, in a fiscal year, sold all or substantially all the property used in carrying on the business, including the debts that have been or will be included in computing his income for that fiscal year or a previous fiscal year and that are still outstanding, and including the debts arising from loans made in the ordinary course of his business if part of his ordinary business was the lending of money and that are still outstanding, to a purchaser who proposes to continue the business which the vendor has been carrying on, if the vendor and the purchaser have executed jointly an election in prescribed form to have this section apply, the following rules are applicable: Sale of accounts receivable

. . . . .

14.—(1) Subsection 1 of section 63 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 63, subs. 1, re-enacted

Cash method may be used by corporation in business of farming or profession

(1) For the purpose of computing the income of a corporation for a fiscal year from a business of the following description, namely,

(*a*) farming; or

(*b*) a profession,

the income from the business for that fiscal year shall, if the corporation so elects under subsection 1 of section 85F of the *Income Tax Act* (Canada), be computed in accordance with a method (hereinafter in this section referred to as the "cash" method) whereby the income therefrom for that fiscal year shall be deemed to be an amount equal to,

R.S.C. 1952, c. 148

(*c*) the aggregate of all amounts that,

(i) were received in the fiscal year, or are deemed by this Act to have been received in the fiscal year, in the course of carrying on the business, and

(ii) were in payment of or on account of an amount that would, if the income from the business were not computed in accordance with the cash method, be included in computing income therefrom for that or any other fiscal year,

minus,

(*d*) the aggregate of all amounts that,

(i) were paid in the fiscal year, or are deemed by this Act to have been paid in the fiscal year, in the course of carrying on the business, and

(ii) were in payment of or on account of an amount that would, if the income from the business were not computed in accordance with the cash method, be deductible in computing income therefrom for that or any other fiscal year,

and minus any deduction for the fiscal year permitted by clause *a* of subsection 2 of section 22.

(2) Subsection 3 of the said section 63 is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 63, subs. 3, re-enacted

(3) Where a corporation has filed a return under this Act for a fiscal year wherein its income for that fiscal year from a business described in subsection 1 has been computed in accordance with the method authorized by that subsection, income from the business for a subsequent fiscal year shall, subject to other provisions of this Part, be computed in accordance with that method unless the corporation, with the concurrence of the Treasurer and upon such terms and conditions as are specified by the Treasurer, adopts some other method. Cash method must be used in subsequent fiscal years

(3*a*) Where a corporation that, at a time when it was a resident of Canada, carried on a business the income from which was computed in accordance with the method authorized by subsection 1 has, upon or after disposing of or ceasing to carry on the business or a part of the business, ceased to be a resident of Canada in a fiscal year, an amount equal to the value, at the time it ceased to be a resident of Canada, of, When corporation ceases to carry on business in Canada, accounts receivable added to income of last fiscal year

(*a*) such part of the property that would have been included in the inventory of the business or the part of the business if the income from the business had not been computed in accordance with the method authorized by subsection 1 as remained the property of the corporation at the time it ceased to be a resident of Canada; and

(*b*) such part of amounts outstanding at the time it ceased to be a resident of Canada as or on account of debts owing to the corporation that arose in the course of carrying on the business as would have been included in computing its income for the fiscal year if the amounts had been received by it in the fiscal year at a time when it was a resident of Canada,

shall be included in computing its income.

(3) Subsection 5 of the said section 63 is repealed. R.S.O. 1960, c. 73, s. 63, subs. 5, repealed

1964, c. 11, s. 14, subs. 3, re-enacted

15. Subsection 3 of section 14 of *The Corporations Tax Amendment Act, 1964* is repealed and the following substituted therefor:

Idem, ss. 1-4, 7, s. 11, subss. 1, 2, ss. 12, 13

(3) Sections 1, 2, 3, 4 and 7, subsections 1 and 2 of section 11 and sections 12 and 13 apply in respect of fiscal years of corporations ending in 1963 and in respect of subsequent fiscal years.

Application of Act

16.—(1) Subsections 1 and 3 of section 12 apply in respect of fiscal years of corporations ending in 1962 and in respect of subsequent fiscal years.

Idem

(2) Subsection 5 of section 2 and subsection 3 of section 5 apply in respect of fiscal years of corporations ending in 1963 and in respect of subsequent fiscal years.

Idem

(3) Paragraph 9 of subsection 6 of section 31 of *The Corporations Tax Act*, as re-enacted by section 8, applies in respect of fiscal years of corporations ending in 1963 and in respect of subsequent fiscal years.

Idem

(4) Section 1, subsections 1 to 4 of section 2, section 4, subsections 1 and 2 of section 5 and sections 9, 11, 13 and 14 apply in respect of fiscal years of corporations ending in 1964 and in respect of subsequent fiscal years.

Idem

(5) Except as provided by subsection 6, section 6 applies in respect of fiscal years of corporations ending in 1964 and in respect of subsequent fiscal years.

Idem

(6) Where an amount in respect of an outlay or expense that was incurred before the 1964 fiscal year and that was not deductible by reason of the application of subsection 3 of section 23 of *The Corporations Tax Act* is paid before 1967, it may be deducted in computing the income of the corporation for the fiscal year in which it is paid.

Idem

(7) Section 28 of *The Corporations Tax Act*, as enacted by section 7, is applicable to an outlay or expense incurred in the 1964 fiscal year or subsequent fiscal years.

Idem

(8) Paragraph 10 of subsection 6 of section 31 of *The Corporations Tax Act*, as enacted by section 8, applies in respect of fiscal years of corporations ending in 1964 and in respect of subsequent fiscal years.

Commencement

17.—(1) This Act, except sections 3 and 15, comes into force on the day it receives Royal Assent.

(2) Section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation and applies in respect of fiscal years specified therein. Idem

(3) Section 15 shall be deemed to have come into force on the 25th day of March, 1964. Idem

18. This Act may be cited as *The Corporations Tax Amendment Act, 1965*. Short title

1st Reading

May 6th, 1965

2nd Reading

May 14th, 1965

3rd Reading

June 21st, 1965

MR. ALLAN

BILL 131

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Logging Tax Act

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of this Bill is to permit the communication of information obtained under the Act to either federal or provincial jurisdictions so long as the information communicated is used by such jurisdiction for purposes of administration of its taxing statutes and so long as similar information is available on a reciprocal basis to this jurisdiction.

BILL 131 **1965**

An Act to amend The Logging Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 34 of *The Logging Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 224, s. 34, amended

(2) Notwithstanding subsection 1, the Treasurer may, Exception

(*a*) communicate or allow to be communicated information obtained under this Act; or

(*b*) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the Government of Canada or any province of Canada, provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Treasurer, and provided that the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

2. This Act applies in respect of the taxation years of taxpayers ending in 1964 and subsequent taxation years. Application of Act

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Logging Tax Amendment Act, 1965*. Short title

1st Reading

May 6th, 1965

2nd Reading

3rd Reading

MR. ALLAN

1965

BILL 131

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Logging Tax Act

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 131 **1965**

An Act to amend The Logging Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 34 of *The Logging Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 224, s. 34, amended

(2) Notwithstanding subsection 1, the Treasurer may, Exception

(*a*) communicate or allow to be communicated information obtained under this Act; or

(*b*) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the Government of Canada or any province of Canada, provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Treasurer, and provided that the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

2. This Act applies in respect of the taxation years of taxpayers ending in 1964 and subsequent taxation years. Application of Act

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Logging Tax Amendment Act, 1965*. Short title

1st Reading

May 6th, 1965

2nd Reading

May 14th, 1965

3rd Reading

June 21st, 1965

MR. ALLAN

BILL 132

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Income Tax Act, 1961-62

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of this Bill is to increase the tax payable by individuals from 19 per cent to 21 per cent of the tax payable under the *Income Tax Act* (Canada) for the 1965 taxation year, and from 20 per cent to 24 per cent of the tax payable under that Act for the 1966 taxation year.

Corresponding reductions in the tax otherwise payable by individuals in respect of these taxation years under the *Income Tax Act* (Canada) have been made by an amendment to subsection 1 of section 33 of that Act.

BILL 132 **1965**

An Act to amend The Income Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *d* and *e* of subsection 3 of section 3 of *The Income Tax Act, 1961-62* are repealed and the following substituted therefor: 1961-62, c. 60, s. 3, subs. 3, cls. *d*, *e*, re-enacted

(*d*) 21 per cent in respect of the 1965 taxation year; and

(*e*) 24 per cent in respect of the 1966 taxation year.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Income Tax Amendment Act, 1965*. Short title

The Income Tax Act, 1961-62

1st Reading

May 6th, 1965

2nd Reading

3rd Reading

MR. ALLAN

1965

BILL 132

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Income Tax Act, 1961-62

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 132 **1965**

An Act to amend The Income Tax Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *d* and *e* of subsection 3 of section 3 of *The Income Tax Act, 1961-62* are repealed and the following substituted therefor: 1961-62, c. 60, s. 3, subs. 3, cls. *d*, *e*, re-enacted

(*d*) 21 per cent in respect of the 1965 taxation year; and

(*e*) 24 per cent in respect of the 1966 taxation year.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Income Tax Amendment Act, 1965*. Short title

The Income Tax Act, 1961-62

1st Reading

May 6th, 1965

2nd Reading

May 14th, 1965

3rd Reading

June 21st, 1965

MR. ALLAN

1965

BILL 133

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Retail Sales Tax Act, 1960-61

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment clarifies the intent of this subsection.

Subsection 2. The amendment permits a purchaser to pay the tax imposed by this Act on the difference between the value of the property sold and credit allowed on a trade-in whether or not the purchaser buys from a vendor or a person who is not a vendor as defined in the Act. Heretofore a purchaser has had to pay the tax on the full value of the property purchased if he did not buy from a vendor.

SECTION 2—Subsection 1. The amendment clarifies the intent.

BILL 133 **1965**

An Act to amend The Retail Sales Tax Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 6 of section 2 of *The Retail Sales Tax Act, 1960-61* is amended by inserting after "use" in the third line "in Ontario", so that the subsection shall read as follows: 1960-61, c. 91, s. 2, subs. 6, amended

(6) If a person sells any tangible personal property at a retail sale in Ontario to a person who alleges that he is not purchasing it for consumption or use in Ontario, he shall nevertheless require such person to pay the tax, but such payment shall be refunded by the Treasurer on receipt of satisfactory evidence that the tax was wrongfully paid. Refund of tax

(2) Subsection 9 of the said section 2 is amended by striking out "the vendor" in the second line and inserting in lieu thereof "a person or a vendor", so that the subsection shall read as follows: 1960-61, c. 91, s. 2, subs. 9, amended

(9) Where tangible personal property is accepted at the time of sale by a person or a vendor on account of the price of other tangible personal property sold, the purchaser shall pay a tax at the rate provided in subsection 1 calculated on the difference between the fair value of the property sold and the credit allowed for the tangible personal property accepted on account of the purchase price in trade. Tax on merchandise tendered in trade

2.—(1) Paragraphs 24 and 25 of section 5 of *The Retail Sales Tax Act, 1960-61* are repealed and the following substituted therefor: 1960-61, c. 91, s. 5, pars. 24, 25, re-enacted

24. aircraft, purchased for use in foreign or interprovincial trade by an airline that has regularly scheduled flights, and repairs to such aircraft;

25. street flushers, street sweepers and fire-fighting vehicles, as defined by the Treasurer, purchased at a price of more than $1,000 per vehicle.

1960-61, c. 91, s. 5, par. 37 (1961-62, c. 126, s. 3, subs. 4), amended

(2) Paragraph 37 of the said section 5, as re-enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by subsection 3 of section 2 of *The Retail Sales Tax Amendment Act, 1962-63*, is further amended by adding at the end thereof "or by The Ontario Cancer Treatment and Research Foundation", so that the paragraph shall read as follows:

37. equipment, as defined by the Treasurer, purchased in good faith for use exclusively and not for resale by a hospital that is approved as a public hospital under *The Public Hospitals Act* or that is established under *The Community Psychiatric Hospitals Act, 1960-61* or by a sanatorium as defined in *The Sanatoria for Consumptives Act* or by The Ontario Cancer Treatment and Research Foundation.

R.S.O. 1960, c. 322
1960-61, c. 9
R.S.O. 1960, c. 359

1960-61, c. 91, s. 5, amended

(3) This said section 5, as amended by section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, section 2 of *The Retail Sales Tax Amendment Act, 1962-63* and section 4 of *The Retail Sales Tax Amendment Act, 1964*, is further amended by adding thereto the following paragraph:

1965, c. . . .

64. tobacco products taxed under *The Tobacco Tax Act, 1965*.

1960-61, c. 91, s. 33, subs. 1, amended

3. Subsection 1 of section 33 of *The Retail Sales Tax Act, 1960-61* is amended by inserting after "vendor" in the first line "or registered consumer", so that the subsection shall read as follows:

Offence

(1) Every vendor or registered consumer who has failed to deliver a return as and when required by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than $25 for each day during which the default continues.

Commencement

4.—(1) This Act, except subsection 3 of section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 3 of section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Retail Sales Tax Amendment Act, 1965*.

Subsection 2. The amendment extends the exemption to equipment purchased by The Ontario Cancer Treatment and Research Foundation.

Subsection 3. Self-explanatory.

SECTION 3. The amendment imposes a penalty on a registered consumer for failing to deliver a return as required by the Act.

The Retail Sales Tax Act, 1960-61

1st Reading

May 6th, 1965

2nd Reading

3rd Reading

MR. ALLAN

1965

BILL 133

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Retail Sales Tax Act, 1960-61

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 133 **1965**

An Act to amend The Retail Sales Tax Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 6 of section 2 of *The Retail Sales Tax Act, 1960-61* is amended by inserting after "use" in the third line "in Ontario", so that the subsection shall read as follows: 1960-61 c. 91, s. 2, subs. 6, amended

(6) If a person sells any tangible personal property at a retail sale in Ontario to a person who alleges that he is not purchasing it for consumption or use in Ontario, he shall nevertheless require such person to pay the tax, but such payment shall be refunded by the Treasurer on receipt of satisfactory evidence that the tax was wrongfully paid. Refund of tax

(2) Subsection 9 of the said section 2 is amended by striking out "the vendor" in the second line and inserting in lieu thereof "a person or a vendor", so that the subsection shall read as follows: 1960-61, c. 91, s. 2, subs. 9, amended

(9) Where tangible personal property is accepted at the time of sale by a person or a vendor on account of the price of other tangible personal property sold, the purchaser shall pay a tax at the rate provided in subsection 1 calculated on the difference between the fair value of the property sold and the credit allowed for the tangible personal property accepted on account of the purchase price in trade. Tax on merchandise tendered in trade

2.—(1) Paragraphs 24 and 25 of section 5 of *The Retail Sales Tax Act, 1960-61* are repealed and the following substituted therefor: 1960-61, c. 91, s. 5, pars. 24, 25, re-enacted

24. aircraft, purchased for use in foreign or interprovincial trade by an airline that has regularly scheduled flights, and repairs to such aircraft;

25. street flushers, street sweepers and fire-fighting vehicles, as defined by the Treasurer, purchased at a price of more than $1,000 per vehicle.

1960-61, c. 91, s. 5, par. 37 (1961-62, c. 126, s. 3, subs. 4), amended

(2) Paragraph 37 of the said section 5, as re-enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by subsection 3 of section 2 of *The Retail Sales Tax Amendment Act, 1962-63*, is further amended by adding at the end thereof "or by The Ontario Cancer Treatment and Research Foundation", so that the paragraph shall read as follows:

37. equipment, as defined by the Treasurer, purchased in good faith for use exclusively and not for resale by a hospital that is approved as a public hospital under *The Public Hospitals Act* or that is established under *The Community Psychiatric Hospitals Act, 1960-61* or by a sanatorium as defined in *The Sanatoria for Consumptives Act* or by The Ontario Cancer Treatment and Research Foundation.

R.S.O. 1960, c. 322
1960-61, c. 9
R.S.O. 1960, c. 359

1960-61, c. 91, s. 5, amended

(3) The said section 5, as amended by section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, section 2 of *The Retail Sales Tax Amendment Act, 1962-63* and section 4 of *The Retail Sales Tax Amendment Act, 1964*, is further amended by adding thereto the following paragraph:

1965, c. 130

64. tobacco products taxed under *The Tobacco Tax Act, 1965*.

1960-61, c. 91, s. 33, subs. 1, amended

3. Subsection 1 of section 33 of *The Retail Sales Tax Act, 1960-61* is amended by inserting after "vendor" in the first line "or registered consumer", so that the subsection shall read as follows:

Offence

(1) Every vendor or registered consumer who has failed to deliver a return as and when required by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than $25 for each day during which the default continues.

Commencement

4.—(1) This Act, except subsection 3 of section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 3 of section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Retail Sales Tax Amendment Act, 1965*.

An Act to amend
The Retail Sales Tax Act, 1960-61

1st Reading

May 6th, 1965

2nd Reading

May 14th, 1965

3rd Reading

June 21st, 1965

MR. ALLAN

1965

BILL 134

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Succession Duty Act

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1—Subsections 1, 2 and 3. These amendments are designed to ensure that superannuation, pension and death benefits and the whole amount of group insurance proceeds will be taxed on a uniform basis.

BILL 134 **1965**

An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *p* of section 1 of *The Succession Duty Act* is amended by adding thereto the following subclauses: R.S.O. 1960, c. 386, s. 1, cl. *p*, amended

(ii*a*) any superannuation, pension or death benefit payable or granted out of or under any fund or plan established for the payment of superannuation, pension or death benefits to recipients on or after the death of the deceased in respect of such death,

(ii*b*) any property disposed of by any person on or after the death of the deceased under the terms of any agreement made by the deceased for valuable consideration given by him providing for the disposal of such property on or after his death, whether or not such agreement is or was enforceable according to its terms by the person to whom such property was so disposed.

(2) Subclause iii of clause *p* of the said section 1 is amended by adding at the end thereof "and any premiums or a part thereof paid for, on behalf of or in respect of the deceased by any business or company by which he was employed or with which he was associated or in which he was interested, other than under a contract in respect of which subclause v applies, shall be deemed to have been paid by the deceased", so that the subclause shall read as follows: R.S.O. 1960, c. 386, s. 1, cl. *p*, subcl. iii, amended

(iii) that portion of the money payable as a result of the death of the deceased under a contract of insurance as is in the same ratio to the whole that the amount of the premiums paid by the deceased on such contract bears to the total amount of the premiums paid, and any premiums or a part thereof paid for, on behalf of or in respect of the deceased by any business or

company by which he was employed or with which he was associated or in which he was interested, other than under a contract in respect of which subclause v applies, shall be deemed to have been paid by the deceased.

R.S.O. 1960, c. 386, s. 1, cl. *p*, subcl. v, amended

(3) Subclause v of clause *p* of the said section 1 is amended by inserting after "interested" in the fifth line "or to any other person at the direction of any such business or company", so that the subclause shall read as follows:

(v) any money payable as the result of the death of the deceased under a contract of insurance to any business or company by which the deceased was employed or with which he was associated or in which he was interested, or to any other person at the direction of any such business or company, to the extent of any part of such money not paid to or paid to and not thenceforward retained by such business or company for its own use and benefit.

R.S.O. 1960, c. 386, s. 1, amended

(4) The said section 1 is amended by adding thereto the following clause:

(*pa*) "registered retirement savings plan" means a retirement savings plan registered under the *Income Tax Act* (Canada).

R.S.C. 1952, c. 148

R.S.O. 1960, c. 386, s. 4, cl. *h*, amended

2. Clause *h* of section 4 of *The Succession Duty Act*, as amended by section 2 of *The Succession Duty Amendment Act, 1962-63* and section 2 of *The Succession Duty Amendment Act, 1964*, is further amended by striking out "or" at the end of subclause v in the amendment of 1964 and by adding thereto the following subclauses:

(vii) any interest of the deceased in any registered retirement savings plan,

(viii) any money or other property payable or transferable as a result of the death of the deceased out of any registered retirement savings plan,

(ix) any interest by way of annuity or otherwise accruing or arising on the death of the deceased under any registered retirement savings plan,

(x) any interest of the deceased in any investment fund maintained by a trust company in which moneys received in trust from not fewer than twenty-five persons are combined for the purpose of facilitating investment where the interest of the deceased in such fund does not exceed 10 per cent of the whole,

Subsection 4. The expression "registered retirement savings plan" is defined for the purposes of the Act.

SECTION 2. The purpose of these new subclauses is to exempt from duty registered retirement savings plans and trusteed investment funds where the deceased dies domiciled outside Ontario.

SECTION 3. These amendments extend the exemption to charitable organizations that carry on their work anywhere in Canada instead of solely in Ontario.

SECTION 4. The amount that may be paid out of the deceased's bank account, etc., without the consent of the Treasurer is raised from $1,500 to $2,500.

(xi) any money or other property payable or transferable as a result of the death of the deceased out of any investment fund maintained by a trust company in which moneys received in trust from not fewer than twenty-five persons are combined for the purpose of facilitating investment where the interest of the deceased in such fund does not exceed 10 per cent of the whole, or

(xii) any interest by way of annuity or otherwise accruing or arising on the death of the deceased under any investment fund maintained by a trust company in which moneys received in trust from not fewer than twenty-five persons are combined for the purpose of facilitating investment where the interest of the deceased in such fund does not exceed 10 per cent of the whole.

R.S.O. 1960, c. 386, s. 5, subs. 1, amended

3.—(1) Subsection 1 of section 5 of *The Succession Duty Act*, as amended by section 1 of *The Succession Duty Amendment Act, 1960-61*, is further amended by striking out "Ontario",

(*a*) in the fourth line of clause *a*;

(*b*) in the fourth line of clause *b*;

(*c*) in the fourth line and in the eighth line of clause *c*; and

(*d*) in the fifth line and in the seventh line of clause *d*,

and inserting in lieu thereof in each instance "Canada".

R.S.O. 1960, c. 386, s. 5, subss. 3, 4, repealed

(2) Subsections 3 and 4 of the said section 5 are repealed.

R.S.O. 1960, c. 386, s. 10, subs. 4, amended

4. Subsection 4 of section 10 of *The Succession Duty Act* is amended by striking out "$1,500" in the fifth line and inserting in lieu thereof "$2,500", so that the subsection shall read as follows:

Payment of money on deposit, where no consent necessary

(4) Notwithstanding anything in this Act, where the deceased died domiciled in Ontario, any one branch of any bank, trust company, or any insurance company, other corporation or any one person or any credit union may pay an amount not exceeding $2,500 of money on deposit standing to the credit of the deceased either alone or jointly with any person, without the consent of the Treasurer, and notice of such payment shall be transmitted forthwith to

the Treasurer, and such notice shall show the full name of the deceased, the date and place of his death, the amount paid, the name and relationship to the deceased of the person to whom paid and the total amount of the money on deposit at the date of death of the deceased.

R.S.O. 1960, c. 386, s. 24, amended

5. Section 24 of *The Succession Duty Act* is amended by striking out "one year" in the seventh line and inserting in lieu thereof "four years", so that the section shall read as follows:

Duty overpaid to be refunded in certain cases

24. The Lieutenant Governor in Council, upon proof to his satisfaction that an overpayment of duty has been made, may refund the amount of such overpayment together with interest thereon at a rate not exceeding 3 per cent per annum from the date of the making of such overpayment to the date on which such amount is refunded, provided that no such refund shall be made after the expiration of four years from the receipt by the Treasurer of an amount purporting to be in full settlement of the duty.

R.S.O. 1960, c. 386, s. 34, subs. 3, amended

6. Subsection 3 of section 34 of *The Succession Duty Act* is amended by striking out "applicant" in the second line and inserting in lieu thereof "appellant", so that the subsection shall read as follows:

Notice of appeal

(3) Unless the duty, interest and penalties claimed in the statement are sooner paid, the appellant shall, within one month after being served with the statement, serve the Treasurer with notice of appeal setting out his objection to the statement and the reasons therefor and giving an address in Ontario for service.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Succession Duty Amendment Act, 1965*.

SECTION 5. The time within which a refund of duty may be made after an amount purporting to be in full settlement of the duty has been paid is extended from one year to four years.

SECTION 6. A typographical error is corrected.

1st Reading

May 6th, 1965

2nd Reading

3rd Reading

MR. ALLAN

1965

BILL 134

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Succession Duty Act

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 134 **1965**

An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *p* of section 1 of *The Succession Duty Act* is amended by adding thereto the following subclauses: R.S.O. 1960, c. 386, s. 1, cl. *p*, amended

(ii*a*) any superannuation, pension or death benefit payable or granted out of or under any fund or plan established for the payment of superannuation, pension or death benefits to recipients on or after the death of the deceased in respect of such death,

(ii*b*) any property disposed of by any person on or after the death of the deceased under the terms of any agreement made by the deceased for valuable consideration given by him providing for the disposal of such property on or after his death, whether or not such agreement is or was enforceable according to its terms by the person to whom such property was so disposed.

(2) Subclause iii of clause *p* of the said section 1 is amended by adding at the end thereof "and any premiums or a part thereof paid for, on behalf of or in respect of the deceased by any business or company by which he was employed or with which he was associated or in which he was interested, other than under a contract in respect of which subclause v applies, shall be deemed to have been paid by the deceased", so that the subclause shall read as follows: R.S.O. 1960, c. 386, s. 1, cl. *p*, subcl. iii, amended

(iii) that portion of the money payable as a result of the death of the deceased under a contract of insurance as is in the same ratio to the whole that the amount of the premiums paid by the deceased on such contract bears to the total amount of the premiums paid, and any premiums or a part thereof paid for, on behalf of or in respect of the deceased by any business or

company by which he was employed or with which he was associated or in which he was interested, other than under a contract in respect of which subclause v applies, shall be deemed to have been paid by the deceased.

R.S.O. 1960, c. 386, s. 1, cl. *p*, subcl. v, amended

(3) Subclause v of clause *p* of the said section 1 is amended by inserting after "interested" in the fifth line "or to any other person at the direction of any such business or company", so that the subclause shall read as follows:

(v) any money payable as the result of the death of the deceased under a contract of insurance to any business or company by which the deceased was employed or with which he was associated or in which he was interested, or to any other person at the direction of any such business or company, to the extent of any part of such money not paid to or paid to and not thenceforward retained by such business or company for its own use and benefit.

R.S.O. 1960, c. 386, s. 1, amended

(4) The said section 1 is amended by adding thereto the following clause:

(*pa*) "registered retirement savings plan" means a retirement savings plan registered under the *Income Tax Act* (Canada).

R.S.C. 1952, c. 148

R.S.O. 1960, c. 386, s. 4, cl. *h*, amended

2. Clause *h* of section 4 of *The Succession Duty Act*, as amended by section 2 of *The Succession Duty Amendment Act, 1962-63* and section 2 of *The Succession Duty Amendment Act, 1964*, is further amended by striking out "or" at the end of subclause v in the amendment of 1964 and by adding thereto the following subclauses:

(vii) any interest of the deceased in any registered retirement savings plan,

(viii) any money or other property payable or transferable as a result of the death of the deceased out of any registered retirement savings plan,

(ix) any interest by way of annuity or otherwise accruing or arising on the death of the deceased under any registered retirement savings plan,

(x) any interest of the deceased in any investment fund maintained by a trust company in which moneys received in trust from not fewer than twenty-five persons are combined for the purpose of facilitating investment where the interest of the deceased in such fund does not exceed 10 per cent of the whole,

(xi) any money or other property payable or transferable as a result of the death of the deceased out of any investment fund maintained by a trust company in which moneys received in trust from not fewer than twenty-five persons are combined for the purpose of facilitating investment where the interest of the deceased in such fund does not exceed 10 per cent of the whole, or

(xii) any interest by way of annuity or otherwise accruing or arising on the death of the deceased under any investment fund maintained by a trust company in which moneys received in trust from not fewer than twenty-five persons are combined for the purpose of facilitating investment where the interest of the deceased in such fund does not exceed 10 per cent of the whole.

R.S.O. 1960, c. 386, s. 5, subs. 1, amended

3.—(1) Subsection 1 of section 5 of *The Succession Duty Act*, as amended by section 1 of *The Succession Duty Amendment Act, 1960-61*, is further amended by striking out "Ontario",

(*a*) in the fourth line of clause *a*;

(*b*) in the fourth line of clause *b*;

(*c*) in the fourth line and in the eighth line of clause *c*; and

(*d*) in the fifth line and in the seventh line of clause *d*,

and inserting in lieu thereof in each instance "Canada".

R.S.O. 1960, c. 386, s. 5, subss. 3, 4, repealed

(2) Subsections 3 and 4 of the said section 5 are repealed.

R.S.O. 1960, c. 386, s. 10, subs. 4, amended

4. Subsection 4 of section 10 of *The Succession Duty Act* is amended by striking out "$1,500" in the fifth line and inserting in lieu thereof "$2,500", so that the subsection shall read as follows:

Payment of money on deposit, where no consent necessary

(4) Notwithstanding anything in this Act, where the deceased died domiciled in Ontario, any one branch of any bank, trust company, or any insurance company, other corporation or any one person or any credit union may pay an amount not exceeding $2,500 of money on deposit standing to the credit of the deceased either alone or jointly with any person, without the consent of the Treasurer, and notice of such payment shall be transmitted forthwith to

the Treasurer, and such notice shall show the full name of the deceased, the date and place of his death, the amount paid, the name and relationship to the deceased of the person to whom paid and the total amount of the money on deposit at the date of death of the deceased.

R.S.O. 1960, c. 386, s. 24, amended

5. Section 24 of *The Succession Duty Act* is amended by striking out "one year" in the seventh line and inserting in lieu thereof "four years", so that the section shall read as follows:

Duty overpaid to be refunded in certain cases

24. The Lieutenant Governor in Council, upon proof to his satisfaction that an overpayment of duty has been made, may refund the amount of such overpayment together with interest thereon at a rate not exceeding 3 per cent per annum from the date of the making of such overpayment to the date on which such amount is refunded, provided that no such refund shall be made after the expiration of four years from the receipt by the Treasurer of an amount purporting to be in full settlement of the duty.

R.S.O. 1960, c. 386, s. 34, subs. 3, amended

6. Subsection 3 of section 34 of *The Succession Duty Act* is amended by striking out "applicant" in the second line and inserting in lieu thereof "appellant", so that the subsection shall read as follows:

Notice of appeal

(3) Unless the duty, interest and penalties claimed in the statement are sooner paid, the appellant shall, within one month after being served with the statement, serve the Treasurer with notice of appeal setting out his objection to the statement and the reasons therefor and giving an address in Ontario for service.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Succession Duty Amendment Act, 1965*.

1st Reading

May 6th, 1965

2nd Reading

May 14th, 1965

3rd Reading

June 21st, 1965

MR. ALLAN

BILL 135

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The Milk Act, 1965

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The purpose of this Bill is,

(*a*) to establish The Milk Commission of Ontario in the place of The Milk Industry Board of Ontario;

(*b*) to consolidate, revise and up-date the 1957 Act and all amendments to date.

The arrangement of the provisions of the Bill is as follows:

Heading	Section	Page
Interpretation	1	1-3
Purpose of Act	2	3
The Milk Commission of Ontario	3-12	3-18
Construction and Operation of Plants	13-18	18-24
Municipal By-laws	19	24-25
General	20-25	25-26
Appeals	26	26-28
Miscellaneous	27-30	28

BILL 135 **1965**

The Milk Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

1. "agreement" means an agreement made under the Act or the regulations;

2. "award" means an award made by the Commission or by an arbitrator or board of arbitration under the regulations;

3. "cheese factory" means premises in which milk is processed into cheese;

4. "Commission" means The Milk Commission of Ontario;

5. "concentrated milk plant" means a plant in which milk or cream is processed into a milk product other than butter or cheese or a fluid milk product;

6. "creamery" means premises in which milk or cream is processed into creamery butter;

7. "cream receiving station" means premises at which cream is received for the purpose of being transported to a creamery;

8. "dairy" means premises in which milk is processed into fluid milk products;

9. "distributor" means a person engaged in selling or distributing fluid milk products directly or indirectly to consumers;

10. "field-man" means a field-man appointed for the purposes of this Act;

11. "fluid milk products" means the classes of milk and milk products processed from Grade A milk and designated as fluid milk products in the regulations;

12. "Grade A milk" means milk designated as Grade A milk in the regulations;

13. "industrial milk" means milk designated as industrial milk in the regulations;

14. "licence" means a licence provided for under this Act or the regulations;

15. "marketing" means buying, selling and offering for sale, and includes advertising, assembling, storing, distributing, financing, packing and shipping and transporting in any manner by any person, and "market" and "marketed" have corresponding meanings;

16. "marketing board" means a board constituted under a plan;

17. "milk" means milk from cows;

18. "milk product" means any product processed or derived in whole or in part from milk, and includes cream, butter, cheese, cottage cheese, condensed milk, milk powder, dry milk, ice cream, ice cream mix, casein, malted milk, sherbet and such other products that are designated as milk products in the regulations;

19. "milk receiving station" means premises at which milk is received for the purpose of being transported to a cheese factory, concentrated milk plant, creamery or dairy;

20. "Minister" means the Minister of Agriculture;

21. "plan" means a plan that is in force under this Act to provide for the control and regulation of the marketing of milk, cream or cheese, or any combination thereof;

22. "plant" means a cheese factory, concentrated milk plant, cream receiving station, creamery, dairy or milk receiving station;

23. "processing" means heating, pasteurizing, evaporating, drying, churning, freezing, separating into component parts, combining with other substances by any process or otherwise treating milk or cream in the manufacture or preparation of milk products or fluid milk products;

24. "processor" means a person engaged in the processing of milk products or fluid milk products;

25. "producer" means a producer of milk, cream or cheese for marketing;

26. "reconstituted milk" means milk derived, remade, compounded or blended in whole or in part from one or more milk products;

27. "regulated product" means milk, cream or cheese, or any combination thereof, in respect of which a plan is in force;

28. "regulations" means the regulations made under this Act;

29. "transporter" means a person transporting milk or cream. R.S.O. 1960, c. 239, s. 1, *amended*.

PURPOSE OF ACT

2. The purpose and intent of this Act is to provide for the control and regulation in any or all respects of, Purpose of Act

(*a*) the marketing within Ontario of milk, cream or cheese, or any combination thereof, including the prohibition of such marketing in whole or in part; and

(*b*) the quality of milk, milk products and fluid milk products within Ontario. *New*.

THE MILK COMMISSION OF ONTARIO

3.—(1) There is hereby established a commission to be known as The Milk Commission of Ontario as a body corporate responsible to the Minister. Milk Commission established

(2) The Commission shall be composed of not fewer than three members who shall be appointed by and hold office during the pleasure of the Lieutenant Governor in Council. Composition

Chairman, vice-chairman

(3) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman and one as vice-chairman.

Quorum

(4) A majority of the members of the Commission constitutes a quorum whether or not a vacancy exists in the membership.

Vacancies

(5) Vacancies in the membership of the Commission caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council.

Remuneration and expenses

(6) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Staff

(7) The Lieutenant Governor in Council may appoint such officers, field-men and other employees as he deems necessary for the conduct of the affairs of the Commission.

No personal liability

(8) No member of the Commission and no officer, fieldman or other employee of the Commission is personally liable for anything done by him in good faith under or purporting to be under the authority of this Act or the regulations. *New.*

Powers and duties

4.—(1) The Commission shall exercise such powers and perform such duties as are conferred or imposed upon it by or under this Act.

Idem

(2) Without limiting the generality of subsection 1, the Commission may,

(*a*) upon its own initiative or upon complaint, inquire into any matter relating to the production, processing or marketing of milk or milk products;

(*b*) investigate, arbitrate, adjust or otherwise settle any dispute between persons engaged in producing, processing or marketing milk or milk products, or between any two classes of such persons;

(*c*) investigate the cost of producing, processing and marketing any milk or milk product, prices, price spreads, trade practices, methods of financing, management policies and other matters relating to the producing, processing or marketing of milk and milk products;

(*d*) require persons engaged in producing or marketing a regulated product to register their names, addresses and occupations with the Commission or marketing board;

(*e*) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product as the Commission or marketing board determines;

(*f*) appoint persons to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product;

(*g*) stimulate, increase and improve the marketing of milk and milk products by such means as it deems proper;

(*h*) co-operate with a marketing board or a marketing agency of Canada or of any province of Canada for the purpose of marketing any regulated product;

(*i*) after a hearing, prohibit a person engaged in marketing a regulated product from terminating or varying, without just cause, the marketing of the regulated product;

(*j*) authorize any officer or field-man to exercise such of its powers as it deems necessary and to report thereon to the Commission;

(*k*) take such action and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations, any plan or any agreement or award.

Powers of inquiry, etc.

(3) Upon any inquiry, arbitration or investigation under subsection 2, the Commission has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. R.S.O. 1960, c. 323

Delegation of powers

(4) The Commission may delegate to a marketing board such of its powers under subsection 2 as it deems necessary and may at any time terminate any such delegation.

Regulations with respect to filings, annual statements, etc.

(5) The Commission may make regulations,

(*a*) providing for the filing with the Commission by each marketing board of true copies of,

(i) minutes of all meetings of the marketing board,

(ii) all by-laws of the marketing board,

(iii) all orders, directions and regulations of the marketing board,

(iv) all reports of annual operations of the marketing board,

(v) all annual financial statements and audited reports of the marketing board, and

(vi) such further information, statements and reports as the Commission requires from the marketing board;

(*b*) providing for,

(i) the furnishing to producers of a regulated product of copies of the annual statement of operations and the financial report of the marketing board, and

(ii) the publication of the annual statement of operations and the financial report of each marketing board;

(*c*) providing for the manner in which and fixing the times at which, or within which, copies of minutes, orders, directions, regulations, reports and statements shall be filed with the Commission, furnished to producers or published, as the case may be, under clause *a* or *b*. *New.*

Powers of field-men

5. Every field-man may,

(*a*) enter any premises or conveyance used for the producing, processing or marketing of milk or milk products and inspect any equipment, milk or milk products found therein;

(*b*) stop any conveyance that he believes may contain any milk or milk product and inspect the conveyance and any milk or milk product found therein;

(*c*) obtain a sample of any milk or milk product at the expense of the owner for the purpose of making an inspection thereof;

(*d*) require the production or furnishing of copies of or extracts from any books, records or documents of persons engaged in the producing, processing or marketing of milk or milk products. R.S.O. 1960, c. 239, s. 11 (4), *amended.*

6.—(1) Where the Commission receives from a group of producers in Ontario or any part thereof a petition or request that a plan be established for the control and regulation of the marketing of milk, cream or cheese, or any combination thereof, and the Commission is of the opinion that the group of producers is representative of the producers affected by the proposed plan, the Commission may recommend the establishment of such a plan to the Minister. Petition for a plan

(2) Where the Commission receives from a marketing board a request that amendment be made to the plan or to regulations under the plan under which the marketing board is constituted, the Commission may recommend such amendment to the Minister. R.S.O. 1960, c. 239, s. 6 (1, 5), *amended*. Request for amendment

7.—(1) Notwithstanding section 6, the Lieutenant Governor in Council may make regulations, Regulations with respect to plans and marketing boards

(*a*) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of milk, cream or cheese, or any combination thereof, and constituting marketing boards to administer such plans;

(*b*) defining any word or words for the purposes of any plan;

(*c*) giving to any marketing board any or all of the powers that are vested in a co-operative corporation incorporated under Part V of *The Corporations Act*, as amended or re-enacted from time to time, and providing that in the exercise of such powers the members of the marketing board shall be deemed to be the shareholders and the directors thereof; R.S.O. 1960, c. 71

(*d*) prescribing by-laws for regulating the conduct of the affairs of the Commission;

(*e*) prescribing by-laws for regulating the government of marketing boards and the conduct of their affairs, but any marketing board may make by-laws not inconsistent with this Act, with regulations made under this clause or with regulations made under the plan under which the marketing board is constituted, as amended from time to time;

(*f*) notwithstanding any other Act, providing for,

(i) the carrying out by the Commission or a trustee of any or all of the powers of a marketing board,

(ii) the vesting of the assets of a marketing board in the Commission or a trustee, and

(iii) the disposing of any or all of the assets of a marketing board in such manner as is prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the marketing board, the regulation prevails;

(*g*) dissolving a marketing board on such terms and conditions as he deems proper and providing for the disposition of its assets. R.S.O. 1960, c. 239, s. 7 (1); 1960-61, c. 56, s. 5 (1, 2), *amended.*

Application of plans

(2) A plan may apply to,

(*a*) all of Ontario or to any area within Ontario;

(*b*) milk, cream or cheese, or any combination thereof; and

(*c*) any or all persons engaged in producing, processing or marketing the product or products under clause *b* to which the plan applies. R.S.O. 1960, c. 239, s. 7 (2); 1960-61, c. 56, s. 5 (3), *amended.*

Method of choosing, etc., members of marketing boards

(3) The method by which the members of any marketing board shall be appointed, elected or chosen and the application of the plan shall be set out in the plan under which the marketing board is constituted.

Marketing boards are bodies corporate

(4) Every marketing board is a body corporate.

Acts of members valid

(5) The acts of a member or an officer of a marketing board are valid notwithstanding any defects that may afterwards be discovered in his qualifications and his appointment, election or choosing. R.S.O. 1960, c. 239, s. 7 (3-5), *amended.*

No personal liability

(6) No member of a marketing board or any of its officers or employees is personally liable for anything done by it or by him in good faith under or purporting to be under the authority of this Act or the regulations. *New.*

Regulations with respect to regulated products

8.—(1) The Commission may make regulations with respect to regulated products generally or to any regulated product, and, without limiting the generality of the foregoing, may make regulations,

1. providing for the licensing of any or all persons before commencing or continuing to engage in the producing, processing or marketing of a regulated product;

2. prohibiting persons from engaging in the producing, processing or marketing of any regulated product, except under the authority of a licence;

3. providing for the refusal to issue a licence to commence to engage in the producing, processing or marketing of a regulated product where the applicant is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made, or for any other reason that the Commission deems proper;

4. providing for the suspension or revocation of, or the refusal to issue or renew, a licence to continue to engage in the producing, processing or marketing of a regulated product, for failure to observe, perform or carry out the provisions of this Act, the regulations, any plan or any order or direction of the Commission or marketing board;

5. providing for the fixing of licence fees payable yearly, half-yearly, quarterly or monthly at different amounts or in instalments from any or all persons producing or marketing a regulated product, and the collecting of the licence fees and the recovering of such licence fees by suit in any court of competent jurisdiction;

6. requiring any person who receives a regulated product from a producer to deduct from the moneys payable to the producer any licence fees payable by the producer to the marketing board and to forward such licence fees to the marketing board;

7. requiring any person who produces and processes a regulated product to furnish to the Commission or to the marketing board statements of the amounts of the regulated product that he produced in any year and used for processing;

8. prescribing the form of licences;

9. providing for the exemption from any or all of the regulations under any plan of any class, variety, grade or size of regulated product or of any person

or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product;

10. requiring the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product, and providing for the administration, forfeiture and disposition of any moneys or securities so furnished;

11. providing for,

    i. the marketing of a regulated product on a quota basis,

    ii. the fixing and allotting to persons of quotas for the marketing of a regulated product on such basis as the Commission deems proper,

    iii. the refusing to fix and allot to any person a quota for the marketing of a regulated product for any reason that the Commission deems proper, and

    iv. the cancelling or reducing of, or the refusing to increase, a quota fixed and allotted to any person for the marketing of a regulated product for any reason that the Commission deems proper;

12. prohibiting,

    i. any person to whom a quota has not been fixed and allotted for the marketing of a regulated product or whose quota has been cancelled from marketing any of the regulated product, and

    ii. any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota;

13. providing for the control and regulation of the marketing of any regulated product, including the times and places at which the regulated product may be marketed;

14. determining the quantity of each class, variety, grade or size of the regulated product that shall be marketed by each producer;

15. providing for the control and regulation of agreements entered into by producers of a regulated product with persons engaged in marketing or processing the regulated product, and the prohibition of any provision or clause in such agreements;

16. authorizing a marketing board to determine from time to time the price or prices that shall be paid to producers for the regulated product or any class, variety, grade or size of the regulated product, and to determine different prices for different parts of Ontario;

17. providing for the fixing, imposing and collecting of service charges from time to time for the marketing of the regulated product;

18. authorizing a marketing board to pay from service charges imposed under paragraph 17 its expenses in carrying out the purposes of the plan;

19. authorizing a marketing board to use any class of licence fees and other moneys payable to it for the purposes of paying the expenses of the marketing board, carrying out and enforcing this Act and the regulations and carrying out the purposes of the plan under which the marketing board is constituted;

20. authorizing a marketing board to establish a fund in connection with the plan for the payment of any moneys that may be required for the purposes mentioned in paragraph 19;

21. notwithstanding any other Act, providing that no marketing board shall make grants or other like payments of money to any person or association or body of persons without the approval of the Commission;

22. providing for the establishment, in connection with any plan, of advisory committees that may be empowered to advise and make recommendations to the marketing board or to any person or organization represented on the committee in respect of,

    i. the promotion of harmonious relationships between persons engaged in the producing and marketing of the regulated product,

    ii. the promotion of greater efficiency in the producing and marketing of the regulated product,

iii. the prevention and correction of irregularities and inequities in the marketing of the regulated product,

iv. the improvement of the quality and variety of the regulated product,

v. the improvement of the circulation of market information respecting the regulated product,

vi. without limiting the generality of any of the foregoing, any matter with respect to which the Commission or the marketing board may be empowered to make regulations under this Act;

23. determining the constitution of such advisory committees, and regulating the practice and procedure of such committees;

24. providing for the establishment, in connection with any plan, of negotiating agencies that may be empowered to adopt or settle by agreement,

i. the minimum prices for the regulated product or for any class, variety, grade or size of the regulated product,

ii. the terms, conditions and forms of agreements relating to the producing or marketing of the regulated product,

iii. any charges, costs or expenses relating to the producing or marketing of the regulated product;

25. providing for the establishment, in connection with any plan, of a conciliation board that may be empowered,

i. to endeavour to effect agreement on any matter referred to in paragraph 24 that a negotiating agency has failed to adopt or settle by agreement, and

ii. to recommend adoption of any agreement effected under subparagraph i to such negotiating agency;

26. providing for the arbitration by the Commission or by a board of arbitration of any matter not adopted or settled by agreement under paragraph 24;

27. providing for the arbitration by the Commission or by an arbitrator or by a board of arbitration of any dispute arising out of any agreement adopted or settled under paragraph 24 or any award made under paragraph 26;

28. determining the constitution of such negotiating agencies, conciliation boards and boards of arbitration, providing for the appointment of arbitrators, and regulating the practice and procedure of such agencies, boards and arbitrators;

29. requiring that no charges, costs or expenses relating to the producing or marketing of a regulated product shall be made, other than such charges, costs or expenses as are provided for in the agreement or award or re-negotiated agreement or award in force for the marketing of the regulated product;

30. prescribing the form of agreements filed with the Commission;

31. providing that the regulated product shall be marketed by or through the marketing board, and prohibiting any person from marketing any of the regulated product except by or through the marketing board;

32. authorizing any marketing board to prohibit the marketing of any class, variety, grade or size of any regulated product;

33. requiring any person who produces a regulated product to offer to sell and to sell the regulated product through the marketing board constituted to administer the plan under which the regulated product is regulated;

34. prohibiting any person from processing, packing or packaging any of the regulated product that has not been sold by or through the marketing board constituted to administer the plan established for the control and regulation of the marketing of the regulated product;

35. authorizing any marketing board to require the price or prices of the regulated product to be paid to or

through the marketing board, and to recover such price or prices by suit in a court of competent jurisdiction;

36. authorizing a marketing board to purchase or otherwise acquire such quantity or quantities of the regulated product as the marketing board deems advisable;

37. authorizing any marketing board to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product, and requiring such marketing board, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, class, variety, grade and size of the regulated product delivered by him, and authorizing such marketing board to make an initial payment on delivery of the regulated product and subsequent payments until all the remainder of the moneys received from the sale is distributed to the producers;

38. providing for statements to be given by any marketing board to producers showing the class, variety, grade or size and the quantity of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by the marketing board;

39. designating as a milk product any product processed or derived in whole or in part from milk,

40. providing for the carrying out of any plan declared by the Lieutenant Governor in Council to be in force;

41. providing for the holding of a plebiscite of producers upon a question of favour of a plan or amendment of a plan or any matter respecting the marketing of a regulated product;

42. providing for the holding of public hearings on matters respecting the operation of any plan or the holding of a plebiscite of producers;

43. authorizing any marketing board to appoint agents, to prescribe their duties and terms and conditions of employment, and to fix their remuneration and provide for the payment thereof;

44. providing for the making of agreements relating to the marketing of any regulated product by or through a marketing board, and prescribing the forms and the terms and conditions of such agreements;

45. providing for the making of such orders and the issuing of such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations, any plan or any order or direction of the Commission or a marketing board. R.S.O. 1960, c. 239, s. 8 (1); 1960-61, c. 56, s. 6; 1962-63, c. 82, s. 2, *amended*.

Agreements and awards

(2) Every agreement made under paragraph 24 of subsection 1 and every award made under paragraph 26 or 27 of subsection 1, and every agreement or award re-negotiated under clause *b* of this subsection,

(*a*) shall be filed with the Commission forthwith after the making thereof, and the Commission may, notwithstanding any defect in the establishment of the negotiating agency or the board of arbitration, as the case may be, by order declare the agreement or award, or re-negotiated agreement or award, or part thereof, to come into force on the day it is so filed or on such later date as is named in the agreement or award or re-negotiated agreement or award, as the case may be, and, subject to clause *b*, to remain in force for one year or for such period as is provided in the agreement or award or re-negotiated agreement or award; and

(*b*) may at any time upon an order of the Commission be re-negotiated in whole or in part in such manner as the Commission determines.

R.S.O. 1960, c. 349, not to apply

(3) *The Regulations Act* does not apply to any order of the Commission made under subsection 2.

Limited effect

(4) Any regulation made under this section may be limited as to time and place. R.S.O. 1960, c. 239, s. 8 (2-4), *amended*.

Form of agreement

(5) An agreement filed with the Commission under subsection 2 shall be in the form prescribed by the regulations, and the Commission may refuse to file an agreement that is not in such form. 1964, c. 61, s. 2 (2), *amended*.

Delegation of powers to marketing boards

(6) The Commission may delegate to a marketing board such of its powers under subsection 1 as it deems necessary, and may at any time terminate such delegation. R.S.O. 1960, c. 239, s. 8 (5), *amended*.

Limitations on powers, etc., of marketing boards

(7) Where the Commission delegates to a marketing board any of its powers to promote, control and regulate the marketing of a regulated product, the Commission may, at any time,

(*a*) limit the powers of the marketing board in any or all respects thereto; and

(*b*) revoke any regulation, order or direction of the marketing board made or purporting to be made under such powers. R.S.O. 1960, c. 239, s. 10, *amended*.

Other powers of Commission with respect to marketing boards

(8) The Commission may require any marketing board,

(*a*) to furnish to the Commission particulars of any proposed change in the purposes of the plan at least ten days before the proposed change becomes effective;

(*b*) to carry out any purpose of the plan that the Commission deems necessary or advisable;

(*c*) to vary any purpose of the plan as the Commission deems necessary or advisable; and

(*d*) to cease or desist from the carrying out of any purpose or proposed purpose of the plan that the Commission deems unnecessary or inadvisable. *New*.

Production of books, etc., to Commission

9.—(1) Every person, when requested so to do by an officer or field-man of the Commission or a person appointed by the Commission to inspect the books, records, documents, equipment and premises of persons engaged in the producing, processing or marketing of milk or milk products, shall, in respect of milk and milk products, produce such books, records and documents and permit inspection thereof and supply extracts therefrom and permit inspection of such equipment and premises.

Obstruction of officers of Commission

(2) No person shall hinder or obstruct an officer or field-man of the Commission or a person appointed by the Commission to inspect the books, records, documents, equipment and premises of persons engaged in the producing, processing or marketing of milk or milk products in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Certificate of appointment by Commission

(3) The production by any person of a certificate of appointment by the Commission to inspect the books, records,

documents, equipment and premises of persons engaged in the producing, processing or marketing of milk or milk products, purporting to be signed by the chairman and secretary of the Commission, shall be accepted by any person engaged in the producing, processing or marketing of milk or milk products as proof of such appointment. R.S.O. 1960, c. 239, s. 11 (1-3), *part, amended.*

Production of books, etc., to marketing board

10.—(1) Every person, when requested so to do by an officer of a marketing board or a person appointed by a marketing board to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product, shall, in respect of the regulated product, produce such books, records and documents and permit inspection thereof and supply extracts therefrom and permit inspection of such premises.

Obstruction of officers of marketing board

(2) No person shall hinder or obstruct an officer of a marketing board or a person appointed by a marketing board to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Certificate of appointment by marketing board

(3) The production by any person of a certificate of appointment by a marketing board to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product, purporting to be signed by the chairman and secretary of the marketing board, shall be accepted by any person engaged in the producing or marketing of the regulated product as proof of such appointment. R.S.O. 1960, c. 239, s. 11 (1-3), *part, amended.*

Producer-distributors

11.—(1) Any person who is a producer and distributor is entitled in his respective capacities as a producer and as a distributor to all the rights and privileges and is subject to all the duties and obligations of a producer and of a distributor.

Idem

(2) Any person who is a producer and distributor shall be deemed to have received in his capacity as a distributor from himself in his capacity as a producer the milk produced by him that he distributes and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that the regulations, orders, directions, agreements and awards and the re-negotiated agreements and awards made under this Act apply. *New.*

Producer-processors

12.—(1) Any person who is a producer and processor is entitled in his respective capacities as a producer and as a processor to all the rights and privileges and is subject to all the duties and obligations of a producer and of a processor.

Idem

(2) Any person who is a producer and a processor shall be deemed to have received in his capacity as a processor from himself in his capacity as a producer the milk produced by him that he processes and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that the regulations, orders, directions, agreements and awards and the re-negotiated agreements and awards made under this Act apply. *New.*

CONSTRUCTION AND OPERATION OF PLANTS

Permit to construct plant

13.—(1) No person shall construct or alter any building intended for use as a plant without a permit from the Commission.

Permit to alter plant

(2) No person shall alter a plant without a permit from the Commission.

Conditions precedent to issue of permit

(3) No permit shall be issued by the Commission unless,

(*a*) in the opinion of the Commission, the plant is necessary and desirable, having regard to the needs of the producers in the locality in which it is proposed to locate the plant and the facilities of the existing plants in operation; and

(*b*) the proposed plant complies with the regulations. R.S.O. 1960, c. 239, s. 13, *amended.*

Licence to operate plant

14.—(1) No person shall operate a plant without a licence therefor from the Commission. R.S.O. 1960, c. 239, s. 14, *amended.*

Licence to operate as distributor

(2) No person shall carry on business as a distributor without a licence therefor from the Commission. *New.*

Shade of butter

15.—(1) Except as provided in the regulations, no person shall process, sell, offer for sale or have in possession for sale butter that has a tint or shade containing less than one and six-tenths degrees or more than ten and one-half degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale or the equivalent of such measurement. 1962-63, c. 82, s. 3 (1).

Reconstituted milk

(2) Except as provided in the regulations, no person shall process, sell, offer for sale or have in possession for sale reconstituted milk. *New.*

Basis of payment for milk and cream

16. All milk and cream received at a plant shall be paid for on the basis of its milk-fat content or on such other basis as is prescribed by the regulations. R.S.O. 1960, c. 239, s. 16, *amended.*

17.—(1) Where one of the objects of a co-operative corporation to which Part V of *The Corporations Act* applies is to engage in the transportation of milk and the Commission issues a certificate to the Minister of Transport that more than three-quarters of the shareholders or members of the corporation are producers supplying milk to one or more plants in a municipality, no operating licence under *The Public Commercial Vehicles Act* is required by the corporation for the purpose of transporting such milk. Transportation of milk by producers' co-operative R.S.O. 1960, c. 71 R.S.O. 1960, c. 319

(2) The Commission may, after a hearing, revoke a certificate issued under subsection 1 and shall give notice of the revocation to the Minister of Transport. 1961-62, c. 80, s. 2, *amended*. Revocation of certificates

18. Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations, Regulations with respect to the operation of plants

1. providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences for the operation of any class of plant, and prescribing the fees payable for licences or the renewal thereof;

2. providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences for any class of distributor, and prescribing the fees payable for licences or the renewal thereof;

3. prescribing the terms and conditions upon which licences under paragraphs 1 and 2 are issued, renewed, suspended or revoked;

4. requiring the furnishing of security or proof of financial responsibility by any class of distributor or by any person engaged in the operation of any class of plant;

5. providing for the administration, forfeiture and disposition by the Commission of bonds or any moneys recovered under any such bonds or any moneys or securities furnished as proof of financial responsibility by a distributor or by an operator of a plant;

6. providing for the submission of drawings and specifications for the construction or alteration of a building intended for use as a plant or for the alteration of a plant;

7. prescribing the methods of construction or alteration of a building intended for use as a plant and the materials that shall be used for such construction or alteration;

8. prescribing the location of plants, the equipment that shall be used in connection with plants and the sanitary requirements for plants;

9. providing for the issue of permits for the construction or alteration of a building intended for use as a plant and for the alteration of a plant, and prescribing the terms and conditions therefor;

10. respecting the health of cows;

11. respecting sanitary conditions of cows, premises on which cows are kept or milked and the equipment used in connection with the producing, handling, storing or transporting of milk or cream, or any class thereof;

12. respecting the premises and equipment used in connection with the producing, handling, storing, testing or transporting of milk or cream, or any class thereof;

13. prohibiting the delivering, selling or offering for sale to a plant or the receiving at a plant of milk or cream, or any class thereof, that is not produced, handled, stored, collected, delivered, supplied, received or transported in accordance with the regulations or that has been rejected in accordance with the regulations;

14. prescribing conditions for the delivering, supplying, selling or offering for sale to a plant or the receiving at a plant of milk or cream, or any class thereof, that has been graded at or on behalf of another plant in accordance with the regulations;

15. providing for the addition of a food colouring to milk or cream, or any class thereof, that has been delivered or offered for sale to a plant and rejected in accordance with the regulations;

16. governing the collection, transportation, delivery, handling, storing, supplying or receiving of milk or cream, or any class thereof, and prescribing the time therefor;

17. providing for the identification, labelling and use of containers used for transporting milk or cream, or any class thereof;

18. providing for the cleaning and sanitation of vehicles used in transporting, collecting, delivering, supplying or receiving milk or cream, or any class thereof, and prescribing methods therefor;

19. respecting the quality of milk or cream, or any class thereof, delivered, supplied, sold or offered for sale to a plant or received at a plant;

20. providing for the pasteurizing of milk or cream used for the manufacture of a milk product;

21. establishing classes of milk, cream, milk products or fluid milk products;

22. establishing grades for milk or cream, or any class thereof;

23. providing for the selecting, grading, rejecting, weighing, sampling and testing of milk or cream, or any class thereof, sold or offered for sale;

24. providing for the fees payable for the selecting, grading, rejecting, weighing, sampling or testing of milk or cream, or any class thereof;

25. prescribing the tests, procedures to be followed and equipment to be used in testing the composition and quality of milk or cream or any milk product;

26. providing for the taking of samples of milk or cream or any milk product at the expense of the owner for the purpose of testing and for the identification and labelling of containers used therefor;

27. providing for the approval of laboratories for the purpose of testing milk, cream and milk products;

28. providing for the settlement of disputes in connection with the selecting, grading, rejecting, weighing, sampling and testing of milk or cream and the payment for the milk or cream;

29. establishing classes of buttermakers, cheesemakers, milk and cream testers and milk and cream graders;

30. providing for the examination and re-examination of persons applying for certificates for any class of buttermaker, cheesemaker, milk and cream tester or milk and cream grader;

31. prescribing the qualifications for persons to whom certificates may be issued;

32. providing for the issue, renewal, suspension or revocation of or refusal to issue or renew certificates, and prescribing the fees payable for certificates or the renewal thereof;

33. prescribing the terms and conditions upon which certificates are issued, renewed, suspended or revoked;

34. prescribing the terms and manner of payment for milk or cream, or any class thereof, purchased from producers;

35. providing for the establishment and the manner of payment of price differentials for any grade of milk or cream, or any class thereof;

36. providing for the establishment and the manner of payment of price differentials for milk-fat in milk or any class thereof;

37. designating classes of producers;

38. designating classes of distributors and transporters;

39. defining areas, and designating them as distribution areas;

40. providing for the designation on licences, issued to distributors, of the distribution area or municipality or part thereof in which the distributor may deliver, sell or distribute fluid milk products;

41. prohibiting a distributor from delivering, selling or distributing fluid milk products in any distribution area or municipality or part thereof other than the distribution area, municipality or part thereof designated on his licence;

42. designating as a milk product any product processed or derived in whole or in part from milk;

43. governing the methods of and the equipment used in processing milk or cream, or any class thereof, or in manufacturing any milk product;

44. providing for the standards of quality for and the composition of any milk product;

45. defining and designating classes of milk and milk products as fluid milk products;

46. providing for the minimum and maximum percentages of milk-fat, and the minimum percentage of milk solids other than milk-fat, in any fluid milk product;

47. regulating and prohibiting the addition to or removal from fluid milk products of any substance, and regulating and prohibiting the sale of fluid milk products, or any class thereof, to which the substance has been added or from which the substance has been removed;

48. prescribing the types and sizes of containers that shall be used for fluid milk products;

49. respecting the advertising in respect of and the labelling of containers for fluid milk products or any class of fluid milk products;

50. regulating retail or wholesale deliveries of fluid milk products or any class of fluid milk products by distributors;

51. prohibiting retail or wholesale deliveries of fluid milk products or any class of fluid milk products by distributors on any day or days;

52. establishing classes of reconstituted milk, providing for the issue, suspension and revocation of permits for the manufacture and sale of any class of reconstituted milk, and prescribing the fees payable for such permits and the records and returns to be made by the holders of such permits;

53. prescribing the standards of quality for and the composition of any class of reconstituted milk;

54. governing the advertising and the labelling of containers for any class of reconstituted milk;

55. prescribing the books, records and documents to be kept by distributors and operators of plants and the period for which such books, records and documents shall be kept, and providing for the inspection of such books, records and documents;

56. providing for the issue to producers of statements by distributors and operators of plants;

57. providing for sanitary standards and requirements for buildings and premises in which milk products, or any class thereof, are manufactured, stored, graded or packed;

58. prohibiting the buying or selling of and the trafficking in milk or cream, or any class thereof, by transporters;

59. requiring producers, transporters, processors and distributors to furnish to the Commission such information or returns as the Commission determines;

60. providing for the detention and disposal of any milk, cream, milk product, fluid milk product or reconstituted milk produced, processed or marketed in violation of this Act or the regulations;

61. establishing classes of field-men, and prescribing the powers and duties of field-men or any class thereof;

62. prescribing forms and providing for their use;

63. exempting from this Act or the regulations, or any part thereof, any plant or class of plants, any person or class of persons, or any milk product or any class, variety or grade of milk product;

64. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 239, s. 17, *amended*.

MUNICIPAL BY-LAWS

Interpretation

19.—(1) In this section,

(*a*) "municipality" means a city, town, village, township or improvement district;

(*b*) "vendor" means a person who sells fluid milk products to a consumer or a person who sells fluid milk products to any person for resale. R.S.O. 1960, c. 239, s. 30, *amended*.

Licensing by-laws, etc.

(2) The council of any municipality may pass by-laws for licensing, regulating and governing vendors, and for revoking such licences.

Where licence required

(3) No person shall be a vendor in a municipality in which any such by-law is in force without a licence therefor under this section. R.S.O. 1960, c. 239, s. 31, *amended*.

(4) Nothing in this section shall be deemed to authorize the council of a municipality to require in its by-laws that fluid milk products sold in such municipality shall be produced or processed in the municipality or in any other designated area. *New.* Scope of by-laws

(5) The council of any municipality may pass by-laws prescribing the hours during which fluid milk products may be delivered within such municipality by vendors. R.S.O. 1960, c. 239, s. 32. By-laws prescribing hours of delivery

(6) The council of any municipality may by by-law appoint inspectors for the enforcement of this section and of any by-law passed under this section. R.S.O. 1960, c. 239, ss. 30-33, *amended.* Municipal inspectors

GENERAL

20. Every person who contravenes any of the provisions of this Act or the regulations, or of any plan, or of any order or direction of the Commission or any marketing board, or of any agreement or award or re-negotiated agreement or award filed with the Commission, or of any by-law under this Act, is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than $50 and, for a subsequent offence, to a fine of not less than $50 and not more than $500. R.S.O. 1960, c. 239, s. 35, *amended.* Offences

21. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any plan, order, direction, agreement, award or re-negotiated agreement or award made under this Act has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Commission, enjoin any transporter, processor, distributor or operator of a plant from carrying on business as a transporter, processor, distributor or operator of a plant, absolutely or for such period as seems just, and any injunction cancels the licence of the transporter, processor, distributor or operator of a plant named in the order for the same period. 1962-63, c. 82, s. 4, *amended.* Injunction proceedings

22.—(1) Every person who fails to pay at least the minimum price established for any regulated product or for milk or cream in any agreement or award filed with the Commission is, in addition to the fine provided for in section 20, liable to a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or in part for such regulated product, milk or cream. Additional penalty for failure to pay minimum price

(2) Every penalty imposed under subsection 1 shall be paid to the marketing board or to the Commission, and the marketing board or the Commission, as the case may be, shall, Disposition of additional penalty

(*a*) pay the money to the person who failed to receive at least the minimum price; or

(*b*) use the money to stimulate, increase and improve the marketing of the regulated product or of milk or cream. R.S.O. 1960, c. 239, s. 37, *amended*.

Certified copies admissible in evidence

23. Where, in any action or prosecution under this Act, production of any agreement, award, order, regulation, direction, rule, resolution, determination or minute of the Commission or a marketing board is required, any document purporting to be a copy of such agreement, award, order, regulation, direction, rule, resolution, determination or minute, certified to be a true copy thereof by the chairman or secretary of the Commission or the marketing board, as the case may be, is admissible in evidence as proof of the making and of the text thereof without production of the original document and without proof of the signature of the person purporting to have certified it. R.S.O. 1960, c. 239, s. 38, *amended*.

Rebuttable presumption

24. In any prosecution for an offence under this Act, the act or omission of an act, in respect of which the prosecution was instituted, shall be deemed to relate to the marketing within Ontario of milk, cream or cheese, or any combination thereof, unless the contrary is proven. *New*.

Definitions in regulations

25.—(1) Any word or expression used in the Act or the regulations may be defined in the regulations for the purpose of the regulations.

Regulations may be limited

(2) Any regulation may be limited as to time or place, or to both. R.S.O. 1960, c. 239, s. 40.

APPEALS

Appeal to marketing board

26.—(1) Where any person deems himself aggrieved by any order, direction or decision of a marketing board, he may appeal to the marketing board by serving upon the marketing board written notice of the appeal.

Appeal to Commission

(2) Where any person deems himself aggrieved by,

(*a*) any decision of a marketing board on an appeal under subsection 1; or

(*b*) any order, direction or regulation made by the Commission,

he may appeal to the Commission by serving upon the Commission written notice of the appeal.

(3) Every notice under subsection 1 or 2 shall contain a statement of the matter being appealed and the name and address of the person making the appeal. Notice of appeal

(4) Upon receipt of a notice under clause *a* of subsection 2, the Committion shall forthwith notify the marketing board, and the marketing board shall thereupon forthwith provide the Commission with all relevant by-laws, orders, directions, regulations, documents and other material, of any kind whatsoever, in its possession. Marketing board to provide material

(5) In any appeal under subsection 1 or 2, the Commission or the marketing board, as the case may be, shall, within seven days after the notice referred to in subsection 1 or 2 is received, serve notice upon the person making the appeal of the date, time and place at which the appeal will be heard. Notice of hearing

(6) The Commission or the marketing board, as the case may be, shall hear and decide any appeal under subsection 1 or 2 within thirty days after the notice of appeal is received, but the Commission or the marketing board may, at the request of the person making the appeal, adjourn the hearing from time to time for such period or periods of time as the Commission or the marketing board deems just. Hearing

(7) At any hearing under this section, the person making the appeal has the right to attend and make representation and to adduce evidence respecting the appeal either by himself or through counsel. Right to be heard

(8) At any hearing of an appeal under clause *a* of subsection 2, the marketing board has the right to attend and make representations and to adduce evidence respecting the appeal either by its officers, or any of them, or through counsel. Idem

(9) Upon an appeal to the Commission under clause *a* of subsection 2, the Commission may, by order, direct the marketing board to take such action as the marketing board is authorized to take under this Act and as the Commission deems proper, and for this purpose the Commission may substitute its opinion for that of the marketing board. Disposition of appeal

(10) The Commission or the marketing board, as the case may be, shall, within ten days after the hearing is completed, serve notice upon the person making the appeal of its decision. Notice of decision

(11) A proceeding that is in substantial compliance with this section is not open to objection on the ground that it is not in strict compliance therewith. Substantial compliance

Service of notice

(12) Where a notice is served under this section, it may be served personally or,

(*a*) where the notice is served on the Commission or a marketing board, by mailing the notice to the address of the Commission or marketing board, as the case may be, at its usual business address; or

(*b*) where the notice is served on a person making an appeal, by mailing the notice to the address shown in his notice of appeal.

Rehearing

(13) After the Commission or a marketing board has decided an appeal under this section, the Commission or marketing board may reopen the hearing on its own motion and make a new decision, and the procedure for an appeal under this section applies to the rehearing.

MISCELLANEOUS

Existing plans, etc., continued

27. Every marketing plan heretofore approved or declared valid and binding, every regulation heretofore made, every order heretofore made by any commission or board or any local board, every agreement and every award heretofore made and every by-law passed under *The Milk Industry Act* or any predecessor of that Act that are in force on the day this Act comes into force remain in force until revoked, amended or replaced and shall be deemed to have been made under this Act.

R.S.O. 1960, c. 239

R.S.O. 1960, c. 239; 1960-61, c. 56; 1961-62, c. 80; 1962-63, c. 82; 1964, c. 61, repealed

28. *The Milk Industry Act*, *The Milk Industry Amendment Act, 1960-61*, *The Milk Industry Amendment Act, 1961-62*, *The Milk Industry Amendment Act, 1962-63* and *The Milk Industry Amendment Act, 1964* are repealed.

Commencement

29. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

30. This Act may be cited as *The Milk Act, 1965*.

1st Reading

May 7th, 1965

2nd Reading

3rd Reading

MR. STEWART

1965

BILL 135

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The Milk Act, 1965

MR. STEWART

(Reprinted as amended by the Committee on Agriculture)

TORONTO
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Explanatory Note

The purpose of this Bill is,

(*a*) to establish The Milk Commission of Ontario in the place of The Milk Industry Board of Ontario;

(*b*) to consolidate, revise and up-date the 1957 Act and all amendments to date.

The arrangement of the provisions of the Bill is as follows:

Heading	Section	Page
Interpretation	1	1-3
Purpose of Act	2	3
The Milk Commission of Ontario	3-12	3-18
Construction and Operation of Plants	13-18	18-24
Municipal By-laws	19	24-25
General	20-25	25-26
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Miscellaneous	27-30	28

BILL 135 **1965**

The Milk Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

1. "agreement" means an agreement made under the Act or the regulations;

2. "award" means an award made by the Commission or by an arbitrator or board of arbitration under the regulations;

3. "cheese factory" means premises in which milk is processed into cheese;

4. "Commission" means The Milk Commission of Ontario;

5. "concentrated milk plant" means a plant in which milk or cream is processed into a milk product other than butter or cheese or a fluid milk product;

6. "creamery" means premises in which milk or cream is processed into creamery butter;

7. "cream receiving station" means premises at which cream is received for the purpose of being transported to a creamery;

8. "dairy" means premises in which milk is processed into fluid milk products;

9. "distributor" means a person engaged in selling or distributing fluid milk products directly or indirectly to consumers;

10. "field-man" means a field-man appointed for the purposes of this Act;

11. "fluid milk products" means the classes of milk and milk products processed from Grade A milk and designated as fluid milk products in the regulations;

12. "Grade A milk" means milk designated as Grade A milk in the regulations;

13. "industrial milk" means milk designated as industrial milk in the regulations;

14. "licence" means a licence provided for under this Act or the regulations;

15. "marketing" means buying, selling and offering for sale, and includes advertising, assembling, storing, distributing, financing, packing and shipping and transporting in any manner by any person, and "market" and "marketed" have corresponding meanings;

16. "marketing board" means a board constituted under a plan;

17. "milk" means milk from cows;

18. "milk product" means any product processed or derived in whole or in part from milk, and includes cream, butter, cheese, cottage cheese, condensed milk, milk powder, dry milk, ice cream, ice cream mix, casein, malted milk, sherbet and such other products that are designated as milk products in the regulations;

19. "milk receiving station" means premises at which milk is received for the purpose of being transported to a cheese factory, concentrated milk plant, creamery or dairy;

20. "Minister" means the Minister of Agriculture;

21. "plan" means a plan that is in force under this Act to provide for the control and regulation of the marketing of milk, cream or cheese, or any combination thereof;

22. "plant" means a cheese factory, concentrated milk plant, cream receiving station, creamery, dairy or milk receiving station;

23. "processing" means heating, pasteurizing, evaporating, drying, churning, freezing, separating into component parts, combining with other substances by any process or otherwise treating milk or cream in the manufacture or preparation of milk products or fluid milk products;

24. "processor" means a person engaged in the processing of milk products or fluid milk products;

25. "producer" means a producer of milk, cream or cheese;

26. "reconstituted milk" means milk designated as reconstituted milk in the regulations;

27. "regulated product" means milk, cream or cheese, or any combination thereof, in respect of which a plan is in force;

28. "regulations" means the regulations made under this Act;

29. "transporter" means a person transporting milk or cream. R.S.O. 1960, c. 239, s. 1, *amended*.

PURPOSE OF ACT

Purpose of Act

2. The purpose and intent of this Act is to provide for the control and regulation in any or all respects of,

(*a*) the marketing within Ontario of milk, cream or cheese, or any combination thereof, including the prohibition of such marketing in whole or in part; and

(*b*) the quality of milk, milk products and fluid milk products within Ontario. *New*.

THE MILK COMMISSION OF ONTARIO

Milk Commission established

3.—(1) There is hereby established a commission to be known as The Milk Commission of Ontario as a body corporate responsible to the Minister.

Composition

(2) The Commission shall be composed of not fewer than three members who shall be appointed by and hold office during the pleasure of the Lieutenant Governor in Council.

Chairman, vice-chairman

(3) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman and one as vice-chairman.

Quorum

(4) A majority of the members of the Commission constitutes a quorum whether or not a vacancy exists in the membership.

Vacancies

(5) Vacancies in the membership of the Commission caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council.

Remuneration and expenses

(6) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Staff

(7) The Lieutenant Governor in Council may appoint such officers, field-men and other employees as he deems necessary for the conduct of the affairs of the Commission.

No personal liability

(8) No member of the Commission and no officer, fieldman or other employee of the Commission is personally liable for anything done by him in good faith under or purporting to be under the authority of this Act or the regulations. *New.*

Powers and duties

4.—(1) The Commission shall exercise such powers and perform such duties as are conferred or imposed upon it by or under this Act.

Idem

(2) Without limiting the generality of subsection 1, the Commission may,

(*a*) upon its own initiative or upon complaint, inquire into any matter relating to the production, processing or marketing of milk or milk products;

(*b*) investigate, arbitrate, adjust or otherwise settle any dispute between persons engaged in producing, processing or marketing milk or milk products, or between any two classes of such persons;

(*c*) investigate the cost of producing, processing and marketing any milk or milk product, prices, price spreads, trade practices, methods of financing, management policies and other matters relating to the producing, processing or marketing of milk and milk products;

(*d*) require persons engaged in producing or marketing a regulated product to register their names, addresses and occupations with the Commission or marketing board;

(*e*) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product as the Commission or marketing board determines;

(*f*) appoint persons to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product;

(*g*) stimulate, increase and improve the marketing of milk and milk products by such means as it deems proper;

(*h*) co-operate with a marketing board or a marketing agency of Canada or of any province of Canada for the purpose of marketing any regulated product;

(*i*) after a hearing, prohibit a person engaged in marketing a regulated product from terminating or varying, without just cause, the marketing of the regulated product;

(*j*) authorize any officer or field-man to exercise such of its powers as it deems necessary and to report thereon to the Commission;

(*k*) take such action and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations, any plan or any agreement or award.

Powers of inquiry, etc.

(3) Upon any inquiry, arbitration or investigation under subsection 2, the Commission has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. R.S.O. 1960, c. 323

Delegation of powers

(4) The Commission may delegate to a marketing board such of its powers under subsection 2 as it deems necessary and may at any time terminate any such delegation.

(5) The Commission may make regulations,

Regulations with respect to filings, annual statements, etc.

(*a*) providing for the filing with the Commission by each marketing board of true copies of,

(i) minutes of all meetings of the marketing board,

(ii) all by-laws of the marketing board,

(iii) all orders, directions and regulations of the marketing board,

(iv) all reports of annual operations of the marketing board,

(v) all annual financial statements and audited reports of the marketing board, and

(vi) such further information, statements and reports as the Commission requires from the marketing board;

(*b*) providing for,

(i) the furnishing to producers of a regulated product of copies of the annual statement of operations and the financial report of the marketing board, and

(ii) the publication of the annual statement of operations and the financial report of each marketing board;

(*c*) providing for the manner in which and fixing the times at which, or within which, copies of minutes, orders, directions, regulations, reports and statements shall be filed with the Commission, furnished to producers or published, as the case may be, under clause *a* or *b*. *New.*

Powers of field-men

5. Every field-man may,

(*a*) enter any premises or conveyance used for the producing, processing or marketing of milk or milk products and inspect any equipment, milk or milk products found therein;

(*b*) stop any conveyance that he believes may contain any milk or milk product and inspect the conveyance and any milk or milk product found therein;

(*c*) obtain a sample of any milk or milk product at the expense of the owner for the purpose of making an inspection thereof;

(*d*) require the production or furnishing of copies of or extracts from any books, records or documents of persons engaged in the producing, processing or marketing of milk or milk products. R.S.O. 1960, c. 239, s. 11 (4), *amended.*

6.—(1) Where the Commission receives from a group of producers in Ontario or any part thereof a petition or request that a plan be established for the control and regulation of the marketing of milk, cream or cheese, or any combination thereof, and the Commission is of the opinion that the group of producers is representative of the producers affected by the proposed plan, the Commission may recommend the establishment of such a plan to the Minister. Petition for a plan

(2) Where the Commission receives from a marketing board a request that amendment be made to the plan or to regulations under the plan under which the marketing board is constituted, the Commission may recommend such amendment to the Minister. R.S.O. 1960, c. 239, s. 6 (1, 5), *amended*. Request for amendment

7.—(1) Notwithstanding section 6, the Lieutenant Governor in Council may make regulations, Regulations with respect to plans and marketing boards

(*a*) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of milk, cream or cheese, or any combination thereof, and constituting marketing boards to administer such plans;

(*b*) defining any word or words for the purposes of any plan;

(*c*) giving to any marketing board any or all of the powers that are vested in a co-operative corporation incorporated under Part V of *The Corporations Act*, as amended or re-enacted from time to time, and providing that in the exercise of such powers the members of the marketing board shall be deemed to be the shareholders and the directors thereof; R.S.O. 1960, c. 71

(*d*) prescribing by-laws for regulating the conduct of the affairs of the Commission;

(*e*) prescribing by-laws for regulating the government of marketing boards and the conduct of their affairs, but any marketing board may make by-laws not inconsistent with this Act, with regulations made under this clause or with regulations made under the plan under which the marketing board is constituted, as amended from time to time;

(*f*) notwithstanding any other Act, providing for,

(i) the carrying out by the Commission or a trustee of any or all of the powers of a marketing board,

(ii) the vesting of the assets of a marketing board in the Commission or a trustee, and

(iii) the disposing of any or all of the assets of a marketing board in such manner as is prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the marketing board, the regulation prevails;

(*g*) dissolving a marketing board on such terms and conditions as he deems proper and providing for the disposition of its assets. R.S.O. 1960, c. 239, s. 7 (1); 1960-61, c. 56, s. 5 (1, 2), *amended.*

Application of plans

(2) A plan may apply to,

(*a*) all of Ontario or to any area within Ontario;

(*b*) milk, cream or cheese, or any combination thereof; and

(*c*) any or all persons engaged in producing, processing or marketing the product or products under clause *b* to which the plan applies. R.S.O. 1960, c. 239, s. 7 (2); 1960-61, c. 56, s. 5 (3), *amended.*

Method of choosing, etc., members of marketing boards

(3) The method by which the members of any marketing board shall be appointed, elected or chosen and the application of the plan shall be set out in the plan under which the marketing board is constituted.

Marketing boards are bodies corporate

(4) Every marketing board is a body corporate.

Acts of members valid

(5) The acts of a member or an officer of a marketing board are valid notwithstanding any defects that may afterwards be discovered in his qualifications and his appointment, election or choosing. R.S.O. 1960, c. 239, s. 7 (3-5), *amended.*

No personal liability

(6) No member of a marketing board or any of its officers or employees is personally liable for anything done by it or by him in good faith under or purporting to be under the authority of this Act or the regulations. *New.*

Regulations with respect to regulated products

8.—(1) The Commission may make regulations with respect to regulated products generally or to any regulated product, and, without limiting the generality of the foregoing, may make regulations,

1. providing for the licensing of any or all persons before commencing or continuing to engage in the producing, processing or marketing of a regulated product;

2. prohibiting persons from engaging in the producing, processing or marketing of any regulated product, except under the authority of a licence;

3. providing for the refusal to issue a licence to commence to engage in the producing, processing or marketing of a regulated product where the applicant is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made, or for any other reason that the Commission deems proper;

4. providing for the suspension or revocation of, or the refusal to issue or renew, a licence to continue to engage in the producing, processing or marketing of a regulated product, for failure to observe, perform or carry out the provisions of this Act, the regulations, any plan or any order or direction of the Commission or marketing board;

5. providing for the fixing of licence fees payable yearly, half-yearly, quarterly or monthly at different amounts or in instalments from any or all persons producing or marketing a regulated product, and the collecting of the licence fees and the recovering of such licence fees by suit in any court of competent jurisdiction;

6. requiring any person who receives a regulated product from a producer to deduct from the moneys payable to the producer any licence fees payable by the producer to the marketing board and to pay such licence fees to the marketing board;

7. requiring any person who produces and processes a regulated product to furnish to the Commission or to the marketing board statements of the amounts of the regulated product that he produced in any year and used for processing;

8. prescribing the form of licences;

9. providing for the exemption from any or all of the regulations under any plan of any class, variety, grade or size of regulated product or of any person

or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product;

10. requiring the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product, and providing for the administration, forfeiture and disposition of any moneys or securities so furnished;

11. providing for,

    i. the marketing of a regulated product on a quota basis,

    ii. the fixing and allotting to persons of quotas for the marketing of a regulated product on such basis as the Commission deems proper,

    iii. the refusing to fix and allot to any person a quota for the marketing of a regulated product for any reason that the Commission deems proper,

    iv. the cancelling or reducing of, or the refusing to increase, a quota fixed and allotted to any person for the marketing of a regulated product for any reason that the Commission deems proper, and

    v. the terms and conditions upon which a person may market a regulated product in excess of the quota fixed and allotted to him;

12. prohibiting,

    i. any person to whom a quota has not been fixed and allotted for the marketing of a regulated product or whose quota has been cancelled from marketing any of the regulated product, and

    ii. any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota;

13. providing for the control and regulation of the marketing of any regulated product, including the times and places at which the regulated product may be marketed;

14. determining the quantity of each class, variety, grade or size of the regulated product that shall be marketed by each producer;

15. providing for the control and regulation of agreements entered into by producers of a regulated product with persons engaged in marketing or processing the regulated product, and the prohibition of any provision or clause in such agreements;

16. authorizing a marketing board to determine from time to time the price or prices that shall be paid for the regulated product or any class, variety, grade or size of the regulated product, and to determine different prices for different parts of Ontario;

17. providing for the fixing, imposing and collecting of service charges from time to time for the marketing of the regulated product;

18. authorizing a marketing board to pay from service charges imposed under paragraph 17 its expenses in carrying out the purposes of the plan;

19. authorizing a marketing board to use any class of licence fees and other moneys payable to it for the purposes of paying the expenses of the marketing board, carrying out and enforcing this Act and the regulations and carrying out the purposes of the plan under which the marketing board is constituted;

20. authorizing a marketing board to establish a fund in connection with the plan for the payment of any moneys that may be required for the purposes mentioned in paragraph 19;

21. notwithstanding any other Act, providing that no marketing board shall make grants or other like payments of money to any person or association or body of persons without the approval of the Commission;

22. providing for the establishment, in connection with any plan, of advisory committees that may be empowered to advise and make recommendations to the marketing board or to any person or organization represented on the committee in respect of,

    i. the promotion of harmonious relationships between persons engaged in the producing and marketing of the regulated product,

    ii. the promotion of greater efficiency in the producing and marketing of the regulated product,

iii. the prevention and correction of irregularities and inequities in the marketing of the regulated product,

iv. the improvement of the quality and variety of the regulated product,

v. the improvement of the circulation of market information respecting the regulated product,

vi. without limiting the generality of any of the foregoing, any matter with respect to which the Commission or the marketing board may be empowered to make regulations under this Act;

23. determining the constitution of such advisory committees, and regulating the practice and procedure of such committees;

24. providing for the establishment, in connection with any plan, of negotiating agencies that may be empowered to adopt or settle by agreement,

i. the minimum prices for the regulated product or for any class, variety, grade or size of the regulated product,

ii. the terms, conditions and forms of agreements relating to the producing or marketing of the regulated product,

iii. any charges, costs or expenses relating to the producing or marketing of the regulated product;

25. providing for the establishment, in connection with any plan, of a conciliation board that may be empowered,

i. to endeavour to effect agreement on any matter referred to in paragraph 24 that a negotiating agency has failed to adopt or settle by agreement, and

ii. to recommend adoption of any agreement effected under subparagraph i to such negotiating agency;

26. providing for the arbitration by the Commission or by a board of arbitration of any matter not adopted or settled by agreement under paragraph 24;

27. providing for the arbitration by the Commission or by an arbitrator or by a board of arbitration of any dispute arising out of any agreement adopted or settled under paragraph 24 or any award made under paragraph 26;

28. determining the constitution of such negotiating agencies, conciliation boards and boards of arbitration, providing for the appointment of arbitrators, and regulating the practice and procedure of such agencies, boards and arbitrators;

29. requiring that no charges, costs or expenses relating to the producing or marketing of a regulated product shall be made, other than such charges, costs or expenses as are provided for in the agreement or award or re-negotiated agreement or award in force for the marketing of the regulated product;

30. prescribing the form of agreements filed with the Commission;

31. providing that the regulated product shall be marketed by, from or through the marketing board, and prohibiting any person from marketing any of the regulated product except by, from or through the marketing board;

32. authorizing any marketing board to prohibit the marketing of any class, variety, grade or size of any regulated product;

33. requiring any person who produces a regulated product to offer to sell and to sell the regulated product to or through the marketing board constituted to administer the plan under which the regulated product is regulated;

34. prohibiting any person from processing, packing or packaging any of the regulated product that has not been sold to, by or through the marketing board constituted to administer the plan established for the control and regulation of the marketing of the regulated product;

35. authorizing any marketing board to require the price or prices of the regulated product to be paid to or

through the marketing board, and to recover such price or prices by suit in a court of competent jurisdiction;

36. authorizing a marketing board to purchase or otherwise acquire such quantity or quantities of the regulated product as the marketing board deems advisable and to sell or otherwise dispose of such quantity or quantities of the regulated product so purchased or otherwise acquired;

37. authorizing any marketing board to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product, and requiring such marketing board, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, class, variety, grade and size of the regulated product delivered by him, and authorizing such marketing board to make an initial payment on delivery of the regulated product and subsequent payments until all the remainder of the moneys received from the sale is distributed to the producers;

38. providing for statements to be given by any marketing board to producers showing the class, variety, grade or size and the quantity of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by the marketing board;

39. designating as a milk product any product processed or derived in whole or in part from milk,

40. providing for the carrying out of any plan declared by the Lieutenant Governor in Council to be in force;

41. providing for the holding of a plebiscite of producers upon a question of favour of a plan or amendment of a plan or any matter respecting the marketing of a regulated product;

42. providing for the holding of public hearings on matters respecting the operation of any plan or the holding of a plebiscite of producers;

43. authorizing any marketing board to appoint agents, to prescribe their duties and terms and conditions of employment, and to fix their remuneration and provide for the payment thereof;

44. providing for the making of agreements relating to the marketing of any regulated product by or through a marketing board, and prescribing the forms and the terms and conditions of such agreements;

45. providing for the making of such orders and the issuing of such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations, any plan or any order or direction of the Commission or a marketing board. R.S.O. 1960, c. 239, s. 8 (1); 1960-61, c. 56, s. 6; 1962-63, c. 82, s. 2, *amended*.

Agreements and awards

(2) Every agreement made under paragraph 24 of subsection 1 and every award made under paragraph 26 or 27 of subsection 1, and every agreement or award re-negotiated under clause *b* of this subsection,

(*a*) shall be filed with the Commission forthwith after the making thereof, and the Commission may, notwithstanding any defect in the establishment of the negotiating agency or the board of arbitration, as the case may be, by order declare the agreement or award, or re-negotiated agreement or award, or part thereof, to come into force on the day it is so filed or on such later date as is named in the agreement or award or re-negotiated agreement or award, as the case may be, and, subject to clause *b*, to remain in force for one year or for such period as is provided in the agreement or award or re-negotiated agreement or award; and

(*b*) may at any time upon an order of the Commission be re-negotiated in whole or in part in such manner as the Commission determines.

R.S.O. 1960, c. 349, not to apply

(3) *The Regulations Act* does not apply to any order of the Commission made under subsection 2.

Limited effect

(4) Any regulation made under this section may be limited as to time and place. R.S.O. 1960, c. 239, s. 8 (2-4), *amended*.

Form of agreement

(5) An agreement filed with the Commission under subsection 2 shall be in the form prescribed by the regulations, and the Commission may refuse to file an agreement that is not in such form. 1964, c. 61, s. 2 (2), *amended*.

Delegation of powers to marketing boards

(6) The Commission may delegate to a marketing board such of its powers under subsection 1 as it deems necessary, and may at any time terminate such delegation. R.S.O. 1960, c. 239, s. 8 (5), *amended*.

Limitations on powers, etc., of marketing boards

(7) Where the Commission delegates to a marketing board any of its powers to promote, control and regulate the marketing of a regulated product, the Commission may, at any time,

(*a*) limit the powers of the marketing board in any or all respects thereto; and

(*b*) revoke any regulation, order or direction of the marketing board made or purporting to be made under such powers. R.S.O. 1960, c. 239, s. 10, *amended*.

Other powers of Commission with respect to marketing boards

(8) The Commission may require any marketing board,

(*a*) to furnish to the Commission particulars of any proposed change in the purposes of the plan at least ten days before the proposed change becomes effective;

(*b*) to carry out any purpose of the plan that the Commission deems necessary or advisable;

(*c*) to vary any purpose of the plan as the Commission deems necessary or advisable; and

(*d*) to cease or desist from the carrying out of any purpose or proposed purpose of the plan that the Commission deems unnecessary or inadvisable. *New*.

Production of books, etc., to Commission

9.—(1) Every person, when requested so to do by an officer or field-man of the Commission or a person appointed by the Commission to inspect the books, records, documents, equipment and premises of persons engaged in the producing, processing or marketing of milk or milk products, shall, in respect of milk and milk products, produce such books, records and documents and permit inspection thereof and supply extracts therefrom and permit inspection of such equipment and premises.

Obstruction of officers of Commission

(2) No person shall hinder or obstruct an officer or field-man of the Commission or a person appointed by the Commission to inspect the books, records, documents, equipment and premises of persons engaged in the producing, processing or marketing of milk or milk products in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Certificate of appointment by Commission

(3) The production by any person of a certificate of appointment by the Commission to inspect the books, records,

documents, equipment and premises of persons engaged in the producing, processing or marketing of milk or milk products, purporting to be signed by the chairman and secretary of the Commission, shall be accepted by any person engaged in the producing, processing or marketing of milk or milk products as proof of such appointment. R.S.O. 1960, c. 239, s. 11 (1-3), *part, amended.*

Production of books, etc., to marketing board

10.—(1) Every person, when requested so to do by an officer of a marketing board or a person appointed by a marketing board to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product, shall, in respect of the regulated product, produce such books, records and documents and permit inspection thereof and supply extracts therefrom and permit inspection of such premises.

Obstruction of officers of marketing board

(2) No person shall hinder or obstruct an officer of a marketing board or a person appointed by a marketing board to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Certificate of appointment by marketing board

(3) The production by any person of a certificate of appointment by a marketing board to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product, purporting to be signed by the chairman and secretary of the marketing board, shall be accepted by any person engaged in the producing or marketing of the regulated product as proof of such appointment. R.S.O. 1960, c. 239, s. 11 (1-3), *part, amended.*

Producer-distributors

11.—(1) Any person who is a producer and distributor is entitled in his respective capacities as a producer and as a distributor to all the rights and privileges and is subject to all the duties and obligations of a producer and of a distributor.

Idem

(2) Any person who is a producer and distributor shall be deemed to have received in his capacity as a distributor from himself in his capacity as a producer the milk produced by him that he distributes and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that the regulations, orders, directions, agreements and awards and the re-negotiated agreements and awards made under this Act apply. *New.*

Producer-processors

12.—(1) Any person who is a producer and processor is entitled in his respective capacities as a producer and as a processor to all the rights and privileges and is subject to all the duties and obligations of a producer and of a processor.

Idem

(2) Any person who is a producer and a processor shall be deemed to have received in his capacity as a processor from himself in his capacity as a producer the milk produced by him that he processes and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that the regulations, orders, directions, agreements and awards and the re-negotiated agreements and awards made under this Act apply. *New.*

CONSTRUCTION AND OPERATION OF PLANTS

Permit to construct plant

13.—(1) No person shall construct or alter any building intended for use as a plant without a permit from the Commission.

Permit to alter plant

(2) No person shall alter a plant without a permit from the Commission.

Conditions precedent to issue of permit

(3) No permit shall be issued by the Commission unless,

(*a*) in the opinion of the Commission, the plant is necessary and desirable, having regard to the needs of the producers in the locality in which it is proposed to locate the plant and the facilities of the existing plants in operation; and

(*b*) the proposed plant complies with the regulations. R.S.O. 1960, c. 239, s. 13, *amended.*

Licence to operate plant

14.—(1) No person shall operate a plant without a licence therefor from the Commission. R.S.O. 1960, c. 239, s. 14, *amended.*

Licence to operate as distributor

(2) No person shall carry on business as a distributor without a licence therefor from the Commission. *New.*

Shade of butter

15.—(1) Except as provided in the regulations, no person shall process, sell, offer for sale or have in possession for sale butter that has a tint or shade containing less than one and six-tenths degrees or more than ten and one-half degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale or the equivalent of such measurement. 1962-63, c. 82, s. 3 (1).

Reconstituted milk

(2) Except as provided in the regulations, no person shall process, sell, offer for sale or have in possession for sale reconstituted milk. *New.*

Basis of payment for milk and cream

16. All milk and cream received at a plant shall be paid for on the basis of its milk-fat content or on such other basis as is prescribed by the regulations. R.S.O. 1960, c. 239, s. 16, *amended.*

Transportation of milk by producers' co-operative R.S.O. 1960, c. 71

17.—(1) Where one of the objects of a co-operative corporation to which Part V of *The Corporations Act* applies is to engage in the transportation of milk and the Commission issues a certificate to the Minister of Transport that more than three-quarters of the shareholders or members of the corporation are producers supplying milk to one or more plants in a municipality, no operating licence under *The Public Commercial Vehicles Act* is required by the corporation for the purpose of transporting such milk. R.S.O. 1960, c. 319

Revocation of certificates

(2) The Commission may, after a hearing, revoke a certificate issued under subsection 1 and shall give notice of the revocation to the Minister of Transport. 1961-62, c. 80, s. 2, *amended.*

Regulations with respect to the operation of plants

18. Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations,

1. providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences for the operation of any class of plant, and prescribing the fees payable for licences or the renewal thereof;

2. providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences for any class of distributor, and prescribing the fees payable for licences or the renewal thereof;

3. prescribing the terms and conditions upon which licences under paragraphs 1 and 2 are issued, renewed, suspended or revoked;

4. requiring the furnishing of security or proof of financial responsibility by any class of distributor or by any person engaged in the operation of any class of plant;

5. providing for the administration, forfeiture and disposition by the Commission of bonds or any moneys recovered under any such bonds or any moneys or securities furnished as proof of financial responsibility by a distributor or by an operator of a plant;

6. providing for the submission of drawings and specifications for the construction or alteration of a building intended for use as a plant or for the alteration of a plant;

7. prescribing the methods of construction or alteration of a building intended for use as a plant and the materials that shall be used for such construction or alteration;

8. prescribing the location of plants, the equipment that shall be used in connection with plants and the sanitary requirements for plants;

9. providing for the issue of permits for the construction or alteration of a building intended for use as a plant and for the alteration of a plant, and prescribing the terms and conditions therefor;

10. respecting the health of cows;

11. respecting sanitary conditions of cows, premises on which cows are kept or milked and the equipment used in connection with the producing, handling, storing or transporting of milk or cream, or any class thereof;

12. respecting the premises and equipment used in connection with the producing, handling, storing, testing or transporting of milk or cream, or any class thereof;

13. prohibiting the delivering, selling or offering for sale to a plant or the receiving at a plant of milk or cream, or any class thereof, that is not produced, handled, stored, collected, delivered, supplied, received or transported in accordance with the regulations or that has been rejected in accordance with the regulations;

14. prescribing conditions for the delivering, supplying, selling or offering for sale to a plant or the receiving at a plant of milk or cream, or any class thereof, that has been graded at or on behalf of another plant in accordance with the regulations;

15. providing for the addition of a food colouring to milk or cream, or any class thereof, that has been delivered or offered for sale to a plant and rejected in accordance with the regulations;

16. governing the collection, transportation, delivery, handling, storing, supplying or receiving of milk or cream, or any class thereof, and prescribing the time therefor;

17. providing for the identification, labelling and use of containers used for transporting milk or cream, or any class thereof;

18. providing for the cleaning and sanitation of vehicles used in transporting, collecting, delivering, supplying or receiving milk or cream, or any class thereof, and prescribing methods therefor;

19. respecting the quality of milk or cream, or any class thereof, delivered, supplied, sold or offered for sale to a plant or received at a plant;

20. providing for the pasteurizing of milk or cream used for the manufacture of a milk product;

21. establishing classes of milk, cream, milk products or fluid milk products;

22. establishing grades for milk or cream, or any class thereof;

23. providing for the selecting, grading, rejecting, weighing, sampling and testing of milk or cream, or any class thereof, sold or offered for sale;

24. providing for the fees payable for the selecting, grading, rejecting, weighing, sampling or testing of milk or cream, or any class thereof;

25. prescribing the tests, procedures to be followed and equipment to be used in testing the composition and quality of milk or cream or any milk product;

26. providing for the taking of samples of milk or cream or any milk product at the expense of the owner for the purpose of testing and for the identification and labelling of containers used therefor;

27. providing for the approval of laboratories for the purpose of testing milk, cream and milk products;

28. providing for the settlement of disputes in connection with the selecting, grading, rejecting, weighing, sampling and testing of milk or cream and the payment for the milk or cream;

29. establishing classes of buttermakers, cheesemakers, milk and cream testers and milk and cream graders;

30. providing for the examination and re-examination of persons applying for certificates for any class of buttermaker, cheesemaker, milk and cream tester or milk and cream grader;

31. prescribing the qualifications for persons to whom certificates may be issued;

32. providing for the issue, renewal, suspension or revocation of or refusal to issue or renew certificates, and prescribing the fees payable for certificates or the renewal thereof;

33. prescribing the terms and conditions upon which certificates are issued, renewed, suspended or revoked;

34. prescribing the basis, terms and manner of payment for milk or cream, or any class thereof, purchased from producers;

35. providing for the establishment and the manner of payment of price differentials for any grade of milk or cream, or any class thereof;

36. providing for the establishment and the manner of payment of price differentials for milk-fat in milk or any class thereof;

37. designating classes of producers;

38. designating classes of distributors and transporters;

39. defining areas, and designating them as distribution areas;

40. providing for the designation on licences, issued to distributors, of the distribution area or municipality or part thereof in which the distributor may deliver, sell or distribute fluid milk products;

41. prohibiting a distributor from delivering, selling or distributing fluid milk products in any distribution area or municipality or part thereof other than the distribution area, municipality or part thereof designated on his licence;

42. designating as a milk product any product processed or derived in whole or in part from milk;

43. governing the methods of and the equipment used in processing milk or cream, or any class thereof, or in manufacturing any milk product;

44. providing for the standards of quality for and the composition of any milk product;

45. defining and designating classes of milk and milk products as fluid milk products;

46. providing for the minimum and maximum percentages of milk-fat, and the minimum percentage of milk solids other than milk-fat, in any fluid milk product;

47. regulating and prohibiting the addition to or removal from fluid milk products of any substance, and regulating and prohibiting the sale of fluid milk products, or any class thereof, to which the substance has been added or from which the substance has been removed;

48. prescribing the types and sizes of containers that shall be used for fluid milk products;

49. respecting the advertising in respect of and the labelling of containers for fluid milk products or any class of fluid milk products;

50. regulating retail or wholesale deliveries of fluid milk products or any class of fluid milk products by distributors;

51. prohibiting retail or wholesale deliveries of fluid milk products or any class of fluid milk products by distributors on any day or days;

52. establishing classes of reconstituted milk, providing for the issue, suspension and revocation of permits for the manufacture and sale of any class of reconstituted milk, and prescribing the fees payable for such permits and the records and returns to be made by the holders of such permits;

53. prescribing the standards of quality for and the composition of any class of reconstituted milk;

54. governing the advertising and the labelling of containers for any class of reconstituted milk;

55. prescribing the books, records and documents to be kept by distributors and operators of plants and the period for which such books, records and documents shall be kept, and providing for the inspection of such books, records and documents;

56. providing for the issue to producers of statements by distributors and operators of plants;

57. providing for sanitary standards and requirements for buildings and premises in which milk products, or any class thereof, are manufactured, stored, graded or packed;

58. prohibiting the buying or selling of and the trafficking in milk or cream, or any class thereof, by transporters;

59. requiring producers, transporters, processors and distributors to furnish to the Commission such information or returns as the Commission determines;

60. providing for the detention and disposal of any milk, cream, milk product, fluid milk product or reconstituted milk produced, processed or marketed in violation of this Act or the regulations;

61. establishing classes of field-men, and prescribing the powers and duties of field-men or any class thereof;

62. prescribing forms and providing for their use;

63. exempting from this Act or the regulations, or any part thereof, any plant or class of plants, any person or class of persons, or any milk product or any class, variety or grade of milk product;

64. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 239, s. 17, *amended*.

MUNICIPAL BY-LAWS

Interpretation

19.—(1) In this section,

(*a*) "municipality" means a city, town, village, township or improvement district;

(*b*) "vendor" means a person who sells fluid milk products to a consumer or a person who sells fluid milk products to any person for resale. R.S.O. 1960, c. 239, s. 30, *amended*.

Licensing by-laws, etc.

(2) The council of any municipality may pass by-laws for licensing, regulating and governing vendors, and for revoking such licences.

Where licence required

(3) No person shall be a vendor in a municipality in which any such by-law is in force without a licence therefor under this section. R.S.O. 1960, c. 239, s. 31, *amended*.

(4) Nothing in this section shall be deemed to authorize the council of a municipality to require in its by-laws that fluid milk products sold in such municipality shall be produced or processed in the municipality or in any other designated area. *New.* Scope of by-laws

(5) The council of any municipality may pass by-laws prescribing the hours during which fluid milk products may be delivered within such municipality by vendors. R.S.O. 1960, c. 239, s. 32. By-laws prescribing hours of delivery

(6) The council of any municipality may by by-law appoint inspectors for the enforcement of this section and of any by-law passed under this section. R.S.O. 1960, c. 239, ss. 30-33, *amended.* Municipal inspectors

GENERAL

20. Every person who contravenes any of the provisions of this Act or the regulations, or of any plan, or of any order or direction of the Commission or any marketing board, or of any agreement or award or re-negotiated agreement or award filed with the Commission, or of any by-law under this Act, is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than $50 and, for a subsequent offence, to a fine of not less than $50 and not more than $500. R.S.O. 1960, c. 239, s. 35, *amended.* Offences

21. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any plan, order, direction, agreement, award or re-negotiated agreement or award made under this Act has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Commission, enjoin any transporter, processor, distributor or operator of a plant from carrying on business as a transporter, processor, distributor or operator of a plant, absolutely or for such period as seems just, and any injunction cancels the licence of the transporter, processor, distributor or operator of a plant named in the order for the same period. 1962-63, c. 82, s. 4, *amended.* Injunction proceedings

22.—(1) Every person who fails to pay at least the minimum price established for any regulated product or for milk or cream in any agreement or award filed with the Commission is, in addition to the fine provided for in section 20, liable to a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or in part for such regulated product, milk or cream. Additional penalty for failure to pay minimum price

(2) Every penalty imposed under subsection 1 shall be paid to the marketing board or to the Commission, and the marketing board or the Commission, as the case may be, shall, Disposition of additional penalty

(*a*) pay the money to the person who failed to receive at least the minimum price; or

(*b*) use the money to stimulate, increase and improve the marketing of the regulated product or of milk or cream. R.S.O. 1960, c. 239, s. 37, *amended*.

Certified copies admissible in evidence

23. Where, in any action or prosecution under this Act, production of any agreement, award, order, regulation, direction, rule, resolution, determination or minute of the Commission or a marketing board is required, any document purporting to be a copy of such agreement, award, order, regulation, direction, rule, resolution, determination or minute, certified to be a true copy thereof by the chairman or secretary of the Commission or the marketing board, as the case may be, is admissible in evidence as proof of the making and of the text thereof without production of the original document and without proof of the signature of the person purporting to have certified it. R.S.O. 1960, c. 239, s. 38, *amended*.

Rebuttable presumption

24. In any prosecution for an offence under this Act, the act or omission of an act, in respect of which the prosecution was instituted, shall be deemed to relate to the marketing within Ontario of milk, cream or cheese, or any combination thereof, unless the contrary is proven. *New*.

Definitions in regulations

25.—(1) Any word or expression used in the Act or the regulations may be defined in the regulations for the purpose of the regulations.

Regulations may be limited

(2) Any regulation may be limited as to time or place, or to both. R.S.O. 1960, c. 239, s. 40.

APPEALS

Appeal to marketing board

26.—(1) Where any person deems himself aggrieved by any order, direction or decision of a marketing board, he may appeal to the marketing board by serving upon the marketing board written notice of the appeal.

Appeal to Commission

(2) Where any person deems himself aggrieved by,

(*a*) any decision of a marketing board on an appeal under subsection 1; or

(*b*) any order, direction or regulation made by the Commission,

he may appeal to the Commission by serving upon the Commission written notice of the appeal.

Notice of appeal

(3) Every notice under subsection 1 or 2 shall contain a statement of the matter being appealed and the name and address of the person making the appeal.

Marketing board to provide material

(4) Upon receipt of a notice under clause *a* of subsection 2, the Committion shall forthwith notify the marketing board, and the marketing board shall thereupon forthwith provide the Commission with all relevant by-laws, orders, directions, regulations, documents and other material, of any kind whatsoever, in its possession.

Notice of hearing

(5) In any appeal under subsection 1 or 2, the Commission or the marketing board, as the case may be, shall, within seven days after the notice referred to in subsection 1 or 2 is received, serve notice upon the person making the appeal of the date, time and place at which the appeal will be heard.

Hearing

(6) The Commission or the marketing board, as the case may be, shall hear and decide any appeal under subsection 1 or 2 within thirty days after the notice of appeal is received, but the Commission or the marketing board may, at the request of the person making the appeal, adjourn the hearing from time to time for such period or periods of time as the Commission or the marketing board deems just.

Right to be heard

(7) At any hearing under this section, the person making the appeal has the right to attend and make representation and to adduce evidence respecting the appeal either by himself or through counsel.

Idem

(8) At any hearing of an appeal under clause *a* of subsection 2, the marketing board has the right to attend and make representations and to adduce evidence respecting the appeal either by its officers, or any of them, or through counsel.

Disposition of appeal

(9) Upon an appeal to the Commission under clause *a* of subsection 2, the Commission may, by order, direct the marketing board to take such action as the marketing board is authorized to take under this Act and as the Commission deems proper, and for this purpose the Commission may substitute its opinion for that of the marketing board.

Notice of decision

(10) The Commission or the marketing board, as the case may be, shall, within ten days after the hearing is completed, serve notice upon the person making the appeal of its decision.

Substantial compliance

(11) A proceeding that is in substantial compliance with this section is not open to objection on the ground that it is not in strict compliance therewith.

Service of notice

(12) Where a notice is served under this section, it may be served personally or,

(*a*) where the notice is served on the Commission or a marketing board, by mailing the notice to the address of the Commission or marketing board, as the case may be, at its usual business address; or

(*b*) where the notice is served on a person making an appeal, by mailing the notice to the address shown in his notice of appeal.

Rehearing

(13) After the Commission or a marketing board has decided an appeal under this section, the Commission or marketing board may reopen the hearing on its own motion and make a new decision, and the procedure for an appeal under this section applies to the rehearing.

MISCELLANEOUS

Existing plans, etc., continued

27. Every marketing plan heretofore approved or declared valid and binding, every regulation heretofore made, every order heretofore made by any commission or board or any local board, every agreement and every award heretofore made and every by-law passed under *The Milk Industry Act* or any predecessor of that Act that are in force on the day this Act comes into force remain in force until revoked, amended or replaced and shall be deemed to have been made under this Act.

R.S.O. 1960, c. 239

R.S.O. 1960, c. 239; 1960-61, c. 56; 1961-62, c. 80; 1962-63, c. 82; 1964, c. 61, repealed

28. *The Milk Industry Act*, *The Milk Industry Amendment Act, 1960-61*, *The Milk Industry Amendment Act, 1961-62*, *The Milk Industry Amendment Act, 1962-63* and *The Milk Industry Amendment Act, 1964* are repealed.

Commencement

29. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

30. This Act may be cited as *The Milk Act, 1965*.

1st Reading

May 7th, 1965

2nd Reading

May 13th, 1965

3rd Reading

MR. STEWART

(Reprinted as amended by the Committee on Agriculture)

1965

BILL 135

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The Milk Act, 1965

MR. STEWART

(Reprinted as amended by the Committee of the Whole House)

TORONTO
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Explanatory Note

The purpose of this Bill is,

(*a*) to establish The Milk Commission of Ontario in the place of The Milk Industry Board of Ontario;

(*b*) to consolidate, revise and up-date the 1957 Act and all amendments to date.

The arrangement of the provisions of the Bill is as follows:

Heading	Section	Page
Interpretation	1	1-3
Purpose of Act	2	3
The Milk Commission of Ontario	3-12	3-18
Construction and Operation of Plants	13-18	18-24
Municipal By-laws	19	24-25
General	20-25	25-26
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Miscellaneous	27-31	28

BILL 135 **1965**

The Milk Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

1. "agreement" means an agreement made under the Act or the regulations;

2. "award" means an award made by the Commission or by an arbitrator or board of arbitration under the regulations;

3. "cheese factory" means premises in which milk is processed into cheese;

4. "Commission" means The Milk Commission of Ontario;

5. "concentrated milk plant" means a plant in which milk or cream is processed into a milk product other than butter or cheese or a fluid milk product;

6. "creamery" means premises in which milk or cream is processed into creamery butter;

7. "cream receiving station" means premises at which cream is received for the purpose of being transported to a creamery;

8. "dairy" means premises in which milk is processed into fluid milk products;

9. "distributor" means a person engaged in selling or distributing fluid milk products directly or indirectly to consumers;

10. "field-man" means a field-man appointed for the purposes of this Act;

11. "fluid milk products" means the classes of milk and milk products processed from grade A milk and designated as fluid milk products in the regulations;

12. "grade A milk" means milk designated as grade A milk in the regulations;

13. "industrial milk" means milk designated as industrial milk in the regulations;

14. "licence" means a licence provided for under this Act or the regulations;

15. "marketing" means buying, selling and offering for sale, and includes advertising, assembling, storing, distributing, financing, packing and shipping and transporting in any manner by any person, and "market" and "marketed" have corresponding meanings;

16. "marketing board" means a board constituted under a plan;

17. "milk" means milk from cows;

18. "milk product" means any product processed or derived in whole or in part from milk, and includes cream, butter, cheese, cottage cheese, condensed milk, milk powder, dry milk, ice cream, ice cream mix, casein, malted milk, sherbet and such other products that are designated as milk products in the regulations;

19. "milk receiving station" means premises at which milk is received for the purpose of being transported to a cheese factory, concentrated milk plant, creamery or dairy;

20. "Minister" means the Minister of Agriculture;

21. "plan" means a plan that is in force under this Act to provide for the control and regulation of the marketing of milk, cream or cheese, or any combination thereof;

22. "plant" means a cheese factory, concentrated milk plant, cream receiving station, creamery, dairy or milk receiving station;

23. "processing" means heating, pasteurizing, evaporating, drying, churning, freezing, separating into component parts, combining with other substances by any process or otherwise treating milk or cream in the manufacture or preparation of milk products or fluid milk products;

24. "processor" means a person engaged in the processing of milk products or fluid milk products;

25. "producer" means a producer of milk, cream or cheese;

26. "reconstituted milk" means milk designated as reconstituted milk in the regulations;

27. "regulated product" means milk, cream or cheese, or any combination thereof, in respect of which a plan is in force;

28. "regulations" means the regulations made under this Act;

29. "transporter" means a person transporting milk or cream. R.S.O. 1960, c. 239, s. 1, *amended*.

PURPOSE OF ACT

2. The purpose and intent of this Act is to provide for the control and regulation in any or all respects of, Purpose of Act

(*a*) the marketing within Ontario of milk, cream or cheese, or any combination thereof, including the prohibition of such marketing in whole or in part; and

(*b*) the quality of milk, milk products and fluid milk products within Ontario. *New*.

THE MILK COMMISSION OF ONTARIO

3.—(1) There is hereby established a commission to be known as The Milk Commission of Ontario as a body corporate responsible to the Minister. Milk Commission established

(2) The Commission shall be composed of not fewer than three members who shall be appointed by and hold office during the pleasure of the Lieutenant Governor in Council. Composition

Chairman, vice-chairman

(3) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman and one as vice-chairman.

Quorum

(4) A majority of the members of the Commission constitutes a quorum whether or not a vacancy exists in the membership.

Vacancies

(5) Vacancies in the membership of the Commission caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council.

Remuneration and expenses

(6) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Staff

(7) The Lieutenant Governor in Council may appoint such officers, field-men and other employees as he deems necessary for the conduct of the affairs of the Commission.

No personal liability

(8) No member of the Commission and no officer, fieldman or other employee of the Commission is personally liable for anything done by him in good faith under or purporting to be under the authority of this Act or the regulations. *New.*

Powers and duties

4.—(1) The Commission shall exercise such powers and perform such duties as are conferred or imposed upon it by or under this Act.

Idem

(2) Without limiting the generality of subsection 1, the Commission may,

(*a*) upon its own initiative or upon complaint, inquire into any matter relating to the production, processing or marketing of milk or milk products;

(*b*) investigate, arbitrate, adjust or otherwise settle any dispute between persons engaged in producing, processing or marketing milk or milk products, or between any two classes of such persons;

(*c*) investigate the cost of producing, processing and marketing any milk or milk product, prices, price spreads, trade practices, methods of financing, management policies and other matters relating to the producing, processing or marketing of milk and milk products;

(*d*) require persons engaged in producing or marketing a regulated product to register their names, addresses and occupations with the Commission or marketing board;

(*e*) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product as the Commission or marketing board determines;

(*f*) appoint persons to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product;

(*g*) stimulate, increase and improve the marketing of milk and milk products by such means as it deems proper;

(*h*) co-operate with a marketing board or a marketing agency of Canada or of any province of Canada for the purpose of marketing any regulated product;

(*i*) after a hearing, prohibit a person engaged in marketing a regulated product from terminating or varying, without just cause, the marketing of the regulated product;

(*j*) authorize any officer or field-man to exercise such of its powers as it deems necessary and to report thereon to the Commission;

(*k*) take such action and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations, any plan or any agreement or award.

Powers of inquiry, etc.

(3) Upon any inquiry, arbitration or investigation under subsection 2, the Commission has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. R.S.O. 1960, c. 323

Delegation of powers

(4) The Commission may delegate to a marketing board such of its powers under subsection 2 as it deems necessary and may at any time terminate any such delegation.

Regulations with respect to filings, annual statements, etc.

(5) The Commission may make regulations,

(*a*) providing for the filing with the Commission by each marketing board of true copies of,

(i) minutes of all meetings of the marketing board,

(ii) all by-laws of the marketing board,

(iii) all orders, directions and regulations of the marketing board,

(iv) all reports of annual operations of the marketing board,

(v) all annual financial statements and audited reports of the marketing board, and

(vi) such further information, statements and reports as the Commission requires from the marketing board;

(*b*) providing for,

(i) the furnishing to producers of a regulated product of copies of the annual statement of operations and the financial report of the marketing board, and

(ii) the publication of the annual statement of operations and the financial report of each marketing board;

(*c*) providing for the manner in which and fixing the times at which, or within which, copies of minutes, orders, directions, regulations, reports and statements shall be filed with the Commission, furnished to producers or published, as the case may be, under clause *a* or *b*. *New.*

Powers of field-men

5. Every field-man may,

(*a*) enter any premises or conveyance used for the producing, processing or marketing of milk or milk products and inspect any equipment, milk or milk products found therein;

(*b*) stop any conveyance that he believes may contain any milk or milk product and inspect the conveyance and any milk or milk product found therein;

(*c*) obtain a sample of any milk or milk product at the expense of the owner for the purpose of making an inspection thereof;

(*d*) require the production or furnishing of copies of or extracts from any books, records or documents of persons engaged in the producing, processing or marketing of milk or milk products. R.S.O. 1960, c. 239, s. 11 (4), *amended.*

6.—(1) Where the Commission receives from a group of producers in Ontario or any part thereof a petition or request that a plan be established for the control and regulation of the marketing of milk, cream or cheese, or any combination thereof, and the Commission is of the opinion that the group of producers is representative of the producers affected by the proposed plan, the Commission may recommend the establishment of such a plan to the Minister. Petition for a plan

(2) Where the Commission receives from a marketing board a request that amendment be made to the plan or to regulations under the plan under which the marketing board is constituted, the Commission may recommend such amendment to the Minister. R.S.O. 1960, c. 239, s. 6 (1, 5), *amended.* Request for amendment

7.—(1) Notwithstanding section 6, the Lieutenant Governor in Council may make regulations, Regulations with respect to plans and marketing boards

(*a*) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of milk, cream or cheese, or any combination thereof, and constituting marketing boards to administer such plans;

(*b*) defining any word or words for the purposes of any plan;

(*c*) giving to any marketing board any or all of the powers that are vested in a co-operative corporation incorporated under Part V of *The Corporations Act*, as amended or re-enacted from time to time, and providing that in the exercise of such powers the members of the marketing board shall be deemed to be the shareholders and the directors thereof; R.S.O. 1960, c. 71

(*d*) prescribing by-laws for regulating the conduct of the affairs of the Commission;

(*e*) prescribing by-laws for regulating the government of marketing boards and the conduct of their affairs, but any marketing board may make by-laws not inconsistent with this Act, with regulations made under this clause or with regulations made under the plan under which the marketing board is constituted, as amended from time to time;

(*f*) notwithstanding any other Act, providing for,

(i) the carrying out by the Commission or a trustee of any or all of the powers of a marketing board,

(ii) the vesting of the assets of a marketing board in the Commission or a trustee, and

(iii) the disposing of any or all of the assets of a marketing board in such manner as is prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the marketing board, the regulation prevails;

(*g*) dissolving a marketing board on such terms and conditions as he deems proper and providing for the disposition of its assets. R.S.O. 1960, c. 239, s. 7 (1); 1960-61, c. 56, s. 5 (1, 2), *amended.*

Application of plans

(2) A plan may apply to,

(*a*) all of Ontario or to any area within Ontario;

(*b*) milk, cream or cheese, or any combination thereof; and

(*c*) any or all persons engaged in producing, processing or marketing the product or products under clause *b* to which the plan applies. R.S.O. 1960, c. 239, s. 7 (2); 1960-61, c. 56, s. 5 (3), *amended.*

Method of choosing, etc., members of marketing boards

(3) The method by which the members of any marketing board shall be appointed, elected or chosen and the application of the plan shall be set out in the plan under which the marketing board is constituted.

Marketing boards are bodies corporate

(4) Every marketing board is a body corporate.

Acts of members valid

(5) The acts of a member or an officer of a marketing board are valid notwithstanding any defects that may afterwards be discovered in his qualifications and his appointment, election or choosing. R.S.O. 1960, c. 239, s. 7 (3-5), *amended.*

No personal liability

(6) No member of a marketing board or any of its officers or employees is personally liable for anything done by it or by him in good faith under or purporting to be under the authority of this Act or the regulations. *New.*

Regulations with respect to regulated products

8.—(1) The Commission may make regulations with respect to regulated products generally or to any regulated product, and, without limiting the generality of the foregoing, may make regulations,

1. providing for the licensing of any or all persons before commencing or continuing to engage in the producing, processing or marketing of a regulated product;

2. prohibiting persons from engaging in the producing, processing or marketing of any regulated product, except under the authority of a licence;

3. providing for the refusal to issue a licence to commence to engage in the producing, processing or marketing of a regulated product where the applicant is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made, or for any other reason that the Commission deems proper;

4. providing for the suspension or revocation of, or the refusal to issue or renew, a licence to continue to engage in the producing, processing or marketing of a regulated product, for failure to observe, perform or carry out the provisions of this Act, the regulations, any plan or any order or direction of the Commission or marketing board;

5. providing for the fixing of licence fees payable yearly, half-yearly, quarterly or monthly at different amounts or in instalments from any or all persons producing or marketing a regulated product, and the collecting of the licence fees and the recovering of such licence fees by suit in any court of competent jurisdiction;

6. requiring any person who receives a regulated product from a producer to deduct from the moneys payable to the producer any licence fees payable by the producer to the marketing board and to pay such licence fees to the marketing board;

7. requiring any person who produces and processes a regulated product to furnish to the Commission or to the marketing board statements of the amounts of the regulated product that he produced in any year and used for processing;

8. prescribing the form of licences;

9. providing for the exemption from any or all of the regulations under any plan of any class, variety, grade or size of regulated product or of any person

or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product;

10. requiring the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product, and providing for the administration, forfeiture and disposition of any moneys or securities so furnished;

11. providing for,

    i. the marketing of a regulated product on a quota basis,

    ii. the fixing and allotting to persons of quotas for the marketing of a regulated product on such basis as the Commission deems proper,

    iii. the refusing to fix and allot to any person a quota for the marketing of a regulated product for any reason that the Commission deems proper,

    iv. the cancelling or reducing of, or the refusing to increase, a quota fixed and allotted to any person for the marketing of a regulated product for any reason that the Commission deems proper, and

    v. the terms and conditions upon which a person may market a regulated product in excess of the quota fixed and allotted to him;

12. prohibiting,

    i. any person to whom a quota has not been fixed and allotted for the marketing of a regulated product or whose quota has been cancelled from marketing any of the regulated product, and

    ii. any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota;

13. providing for the control and regulation of the marketing of any regulated product, including the times and places at which the regulated product may be marketed;

14. determining the quantity of each class, variety, grade or size of the regulated product that shall be marketed by each producer;

15. providing for the control and regulation of agreements entered into by producers of a regulated product with persons engaged in marketing or processing the regulated product, and the prohibition of any provision or clause in such agreements;

16. authorizing a marketing board to determine from time to time the price or prices that shall be paid for the regulated product or any class, variety, grade or size of the regulated product, and to determine different prices for different parts of Ontario;

17. providing for the fixing, imposing and collecting of service charges from time to time for the marketing of the regulated product;

18. authorizing a marketing board to pay from service charges imposed under paragraph 17 its expenses in carrying out the purposes of the plan;

19. authorizing a marketing board to use any class of licence fees and other moneys payable to it for the purposes of paying the expenses of the marketing board, carrying out and enforcing this Act and the regulations and carrying out the purposes of the plan under which the marketing board is constituted;

20. authorizing a marketing board to establish a fund in connection with the plan for the payment of any moneys that may be required for the purposes mentioned in paragraph 19;

21. notwithstanding any other Act, providing that no marketing board shall make grants or other like payments of money to any person or association or body of persons without the approval of the Commission;

22. providing for the establishment, in connection with any plan, of advisory committees that may be empowered to advise and make recommendations to the marketing board or to any person or organization represented on the committee in respect of,

    i. the promotion of harmonious relationships between persons engaged in the producing and marketing of the regulated product,

    ii. the promotion of greater efficiency in the producing and marketing of the regulated product,

iii. the prevention and correction of irregularities and inequities in the marketing of the regulated product,

iv. the improvement of the quality and variety of the regulated product,

v. the improvement of the circulation of market information respecting the regulated product,

vi. without limiting the generality of any of the foregoing, any matter with respect to which the Commission or the marketing board may be empowered to make regulations under this Act;

23. determining the constitution of such advisory committees, and regulating the practice and procedure of such committees;

24. providing for the establishment, in connection with any plan, of negotiating agencies that may be empowered to adopt or settle by agreement,

i. the minimum prices for the regulated product or for any class, variety, grade or size of the regulated product,

ii. the terms, conditions and forms of agreements relating to the producing or marketing of the regulated product,

iii. any charges, costs or expenses relating to the producing or marketing of the regulated product;

25. providing for the establishment, in connection with any plan, of a conciliation board that may be empowered,

i. to endeavour to effect agreement on any matter referred to in paragraph 24 that a negotiating agency has failed to adopt or settle by agreement, and

ii. to recommend adoption of any agreement effected under subparagraph i to such negotiating agency;

26. providing for the arbitration by the Commission or by a board of arbitration of any matter not adopted or settled by agreement under paragraph 24;

27. providing for the arbitration by the Commission or by an arbitrator or by a board of arbitration of any dispute arising out of any agreement adopted or settled under paragraph 24 or any award made under paragraph 26;

28. determining the constitution of such negotiating agencies, conciliation boards and boards of arbitration, providing for the appointment of arbitrators, and regulating the practice and procedure of such agencies, boards and arbitrators;

29. requiring that no charges, costs or expenses relating to the producing or marketing of a regulated product shall be made, other than such charges, costs or expenses as are provided for in the agreement or award or re-negotiated agreement or award in force for the marketing of the regulated product;

30. prescribing the form of agreements filed with the Commission;

31. providing that the regulated product shall be marketed by, from or through the marketing board, and prohibiting any person from marketing any of the regulated product except by, from or through the marketing board;

32. authorizing any marketing board to prohibit the marketing of any class, variety, grade or size of any regulated product;

33. requiring any person who produces a regulated product to offer to sell and to sell the regulated product to or through the marketing board constituted to administer the plan under which the regulated product is regulated;

34. prohibiting any person from processing, packing or packaging any of the regulated product that has not been sold to, by or through the marketing board constituted to administer the plan established for the control and regulation of the marketing of the regulated product;

35. authorizing any marketing board to require the price or prices of the regulated product to be paid to or

through the marketing board, and to recover such price or prices by suit in a court of competent jurisdiction;

36. authorizing a marketing board to purchase or otherwise acquire such quantity or quantities of the regulated product as the marketing board deems advisable and to sell or otherwise dispose of such quantity or quantities of the regulated product so purchased or otherwise acquired;

37. authorizing any marketing board to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product, and requiring such marketing board, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, class, variety, grade and size of the regulated product delivered by him, and authorizing such marketing board to make an initial payment on delivery of the regulated product and subsequent payments until all the remainder of the moneys received from the sale is distributed to the producers;

38. providing for statements to be given by any marketing board to producers showing the class, variety, grade or size and the quantity of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by the marketing board;

39. designating as a milk product any product processed or derived in whole or in part from milk;

40. providing for the carrying out of any plan declared by the Lieutenant Governor in Council to be in force;

41. providing for the holding of a plebiscite of producers upon a question of favour of a plan or amendment of a plan or any matter respecting the marketing of a regulated product;

42. providing for the holding of public hearings on matters respecting the operation of any plan or the holding of a plebiscite of producers;

43. authorizing any marketing board to appoint agents, to prescribe their duties and terms and conditions of employment, and to fix their remuneration and provide for the payment thereof;

44. providing for the making of agreements relating to the marketing of any regulated product by or through a marketing board, and prescribing the forms and the terms and conditions of such agreements;

45. providing for the making of such orders and the issuing of such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations, any plan or any order or direction of the Commission or a marketing board. R.S.O. 1960, c. 239, s. 8 (1); 1960-61, c. 56, s. 6; 1962-63, c. 82, s. 2, *amended*.

Agreements and awards

(2) Every agreement made under paragraph 24 of subsection 1 and every award made under paragraph 26 or 27 of subsection 1, and every agreement or award re-negotiated under clause *b* of this subsection,

(*a*) shall be filed with the Commission forthwith after the making thereof, and the Commission may, notwithstanding any defect in the establishment of the negotiating agency or the board of arbitration, as the case may be, by order declare the agreement or award, or re-negotiated agreement or award, or part thereof, to come into force on the day it is so filed or on such later date as is named in the agreement or award or re-negotiated agreement or award, as the case may be, and, subject to clause *b*, to remain in force for one year or for such period as is provided in the agreement or award or re-negotiated agreement or award; and

(*b*) may at any time upon an order of the Commission be re-negotiated in whole or in part in such manner as the Commission determines.

R.S.O. 1960, c. 349, not to apply

(3) *The Regulations Act* does not apply to any order of the Commission made under subsection 2.

Limited effect

(4) Any regulation made under this section may be limited as to time and place. R.S.O. 1960, c. 239, s. 8 (2-4), *amended*.

Form of agreement

(5) An agreement filed with the Commission under subsection 2 shall be in the form prescribed by the regulations, and the Commission may refuse to file an agreement that is not in such form. 1964, c. 61, s. 2 (2), *amended*.

Delegation of powers to marketing boards

(6) The Commission may delegate to a marketing board such of its powers under subsection 1 as it deems necessary, and may at any time terminate such delegation. R.S.O. 1960, c. 239, s. 8 (5), *amended*.

Limitations on powers, etc., of marketing boards

(7) Where the Commission delegates to a marketing board any of its powers to promote, control and regulate the marketing of a regulated product, the Commission may, at any time,

(*a*) limit the powers of the marketing board in any or all respects thereto; and

(*b*) revoke any regulation, order or direction of the marketing board made or purporting to be made under such powers. R.S.O. 1960, c. 239, s. 10, *amended*.

Other powers of Commission with respect to marketing boards

(8) The Commission may require any marketing board,

(*a*) to furnish to the Commission particulars of any proposed change in the purposes of the plan at least ten days before the proposed change becomes effective;

(*b*) to carry out any purpose of the plan that the Commission deems necessary or advisable;

(*c*) to vary any purpose of the plan as the Commission deems necessary or advisable; and

(*d*) to cease or desist from the carrying out of any purpose or proposed purpose of the plan that the Commission deems unnecessary or inadvisable. *New*.

Production of books, etc., to Commission

9.—(1) Every person, when requested so to do by an officer or field-man of the Commission or a person appointed by the Commission to inspect the books, records, documents, equipment and premises of persons engaged in the producing, processing or marketing of milk or milk products, shall, in respect of milk and milk products, produce such books, records and documents and permit inspection thereof and supply extracts therefrom and permit inspection of such equipment and premises.

Obstruction of officers of Commission

(2) No person shall hinder or obstruct an officer or field-man of the Commission or a person appointed by the Commission to inspect the books, records, documents, equipment and premises of persons engaged in the producing, processing or marketing of milk or milk products in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Certificate of appointment by Commission

(3) The production by any person of a certificate of appointment by the Commission to inspect the books, records,

documents, equipment and premises of persons engaged in the producing, processing or marketing of milk or milk products, purporting to be signed by the chairman and secretary of the Commission, shall be accepted by any person engaged in the producing, processing or marketing of milk or milk products as proof of such appointment. R.S.O. 1960, c. 239, s. 11 (1-3), *part, amended.*

Production of books, etc., to marketing board

10.—(1) Every person, when requested so to do by an officer of a marketing board or a person appointed by a marketing board to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product, shall, in respect of the regulated product, produce such books, records and documents and permit inspection thereof and supply extracts therefrom and permit inspection of such premises.

Obstruction of officers of marketing board

(2) No person shall hinder or obstruct an officer of a marketing board or a person appointed by a marketing board to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Certificate of appointment by marketing board

(3) The production by any person of a certificate of appointment by a marketing board to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product, purporting to be signed by the chairman and secretary of the marketing board, shall be accepted by any person engaged in the producing or marketing of the regulated product as proof of such appointment. R.S.O. 1960, c. 239, s. 11 (1-3), *part, amended.*

Producer-distributors

11.—(1) Any person who is a producer and distributor is entitled in his respective capacities as a producer and as a distributor to all the rights and privileges and is subject to all the duties and obligations of a producer and of a distributor.

Idem

(2) Any person who is a producer and distributor shall be deemed to have received in his capacity as a distributor from himself in his capacity as a producer the milk produced by him that he distributes and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that the regulations, orders, directions, agreements and awards and the re-negotiated agreements and awards made under this Act apply. *New.*

Producer-processors

12.—(1) Any person who is a producer and processor is entitled in his respective capacities as a producer and as a processor to all the rights and privileges and is subject to all the duties and obligations of a producer and of a processor.

Idem

(2) Any person who is a producer and a processor shall be deemed to have received in his capacity as a processor from himself in his capacity as a producer the milk produced by him that he processes and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that the regulations, orders, directions, agreements and awards and the re-negotiated agreements and awards made under this Act apply. *New.*

CONSTRUCTION AND OPERATION OF PLANTS

Permit to construct plant

13.—(1) No person shall construct or alter any building intended for use as a plant without a permit from the Commission.

Permit to alter plant

(2) No person shall alter a plant without a permit from the Commission.

Conditions precedent to issue of permit

(3) No permit shall be issued by the Commission unless,

(*a*) in the opinion of the Commission, the plant is necessary and desirable, having regard to the needs of the producers in the locality in which it is proposed to locate the plant and the facilities of the existing plants in operation; and

(*b*) the proposed plant complies with the regulations. R.S.O. 1960, c. 239, s. 13, *amended.*

Licence to operate plant

14.—(1) No person shall operate a plant without a licence therefor from the Commission. R.S.O. 1960, c. 239, s. 14, *amended.*

Licence to operate as distributor

(2) No person shall carry on business as a distributor without a licence therefor from the Commission. *New.*

Shade of butter

15.—(1) Except as provided in the regulations, no person shall process, sell, offer for sale or have in possession for sale butter that has a tint or shade containing less than one and six-tenths degrees or more than ten and one-half degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale or the equivalent of such measurement. 1962-63, c. 82, s. 3 (1).

Reconstituted milk

(2) Except as provided in the regulations, no person shall process, sell, offer for sale or have in possession for sale reconstituted milk. *New.*

Basis of payment for milk and cream

16. All milk and cream received at a plant shall be paid for on the basis of its milk-fat content or on such other basis as is prescribed by the regulations. R.S.O. 1960, c. 239, s. 16, *amended.*

Transportation of milk by producers' co-operative R.S.O. 1960, c. 71

17.—(1) Where one of the objects of a co-operative corporation to which Part V of *The Corporations Act* applies is to engage in the transportation of milk and the Commission issues a certificate to the Minister of Transport that more than three-quarters of the shareholders or members of the corporation are producers supplying milk to one or more plants in a municipality, no operating licence under *The Public Commercial Vehicles Act* is required by the corporation for the purpose of transporting such milk. R.S.O. 1960, c. 319

Revocation of certificates

(2) The Commission may, after a hearing, revoke a certificate issued under subsection 1 and shall give notice of the revocation to the Minister of Transport. 1961-62, c. 80, s. 2, *amended*.

Regulations with respect to the operation of plants

18. Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations,

1. providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences for the operation of any class of plant, and prescribing the fees payable for licences or the renewal thereof;

2. providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences for any class of distributor, and prescribing the fees payable for licences or the renewal thereof;

3. prescribing the terms and conditions upon which licences under paragraphs 1 and 2 are issued, renewed, suspended or revoked;

4. requiring the furnishing of security or proof of financial responsibility by any class of distributor or by any person engaged in the operation of any class of plant;

5. providing for the administration, forfeiture and disposition by the Commission of bonds or any moneys recovered under any such bonds or any moneys or securities furnished as proof of financial responsibility by a distributor or by an operator of a plant;

6. providing for the submission of drawings and specifications for the construction or alteration of a building intended for use as a plant or for the alteration of a plant;

7. prescribing the methods of construction or alteration of a building intended for use as a plant and the materials that shall be used for such construction or alteration;

8. prescribing the location of plants, the equipment that shall be used in connection with plants and the sanitary requirements for plants;

9. providing for the issue of permits for the construction or alteration of a building intended for use as a plant and for the alteration of a plant, and prescribing the terms and conditions therefor;

10. respecting the health of cows;

11. respecting sanitary conditions of cows, premises on which cows are kept or milked and the equipment used in connection with the producing, handling, storing or transporting of milk or cream, or any class thereof;

12. respecting the premises and equipment used in connection with the producing, handling, storing, testing or transporting of milk or cream, or any class thereof;

13. prohibiting the delivering, selling or offering for sale to a plant or the receiving at a plant of milk or cream, or any class thereof, that is not produced, handled, stored, collected, delivered, supplied, received or transported in accordance with the regulations or that has been rejected in accordance with the regulations;

14. prescribing conditions for the delivering, supplying, selling or offering for sale to a plant or the receiving at a plant of milk or cream, or any class thereof, that has been graded at or on behalf of another plant in accordance with the regulations;

15. providing for the addition of a food colouring to milk or cream, or any class thereof, that has been delivered or offered for sale to a plant and rejected in accordance with the regulations;

16. governing the collection, transportation, delivery, handling, storing, supplying or receiving of milk or cream, or any class thereof, and prescribing the time therefor;

17. providing for the identification, labelling and use of containers used for transporting milk or cream, or any class thereof;

18. providing for the cleaning and sanitation of vehicles used in transporting, collecting, delivering, supplying or receiving milk or cream, or any class thereof, and prescribing methods therefor;

19. respecting the quality of milk or cream, or any class thereof, delivered, supplied, sold or offered for sale to a plant or received at a plant;

20. providing for the pasteurizing of milk or cream used for the manufacture of a milk product;

21. establishing classes of milk, cream, milk products or fluid milk products;

22. establishing grades for milk or cream, or any class thereof;

23. providing for the selecting, grading, rejecting, weighing, sampling and testing of milk or cream, or any class thereof, sold or offered for sale;

24. providing for the fees payable for the selecting, grading, rejecting, weighing, sampling or testing of milk or cream, or any class thereof;

25. prescribing the tests, procedures to be followed and equipment to be used in testing the composition and quality of milk or cream or any milk product;

26. providing for the taking of samples of milk or cream or any milk product at the expense of the owner for the purpose of testing and for the identification and labelling of containers used therefor;

27. providing for the approval of laboratories for the purpose of testing milk, cream and milk products;

28. providing for the settlement of disputes in connection with the selecting, grading, rejecting, weighing, sampling and testing of milk or cream and the payment for the milk or cream;

29. establishing classes of buttermakers, cheesemakers, milk and cream testers and milk and cream graders;

30. providing for the examination and re-examination of persons applying for certificates for any class of buttermaker, cheesemaker, milk and cream tester or milk and cream grader;

31. prescribing the qualifications for persons to whom certificates may be issued;

32. providing for the issue, renewal, suspension or revocation of or refusal to issue or renew certificates, and prescribing the fees payable for certificates or the renewal thereof;

33. prescribing the terms and conditions upon which certificates are issued, renewed, suspended or revoked;

34. prescribing the basis, terms and manner of payment for milk or cream, or any class thereof, purchased from producers;

35. providing for the establishment and the manner of payment of price differentials for any grade of milk or cream, or any class thereof;

36. providing for the establishment and the manner of payment of price differentials for milk-fat in milk or any class thereof;

37. designating classes of producers;

38. designating classes of distributors and transporters;

39. defining areas, and designating them as distribution areas;

40. providing for the designation on licences, issued to distributors, of the distribution area or municipality or part thereof in which the distributor may deliver, sell or distribute fluid milk products;

41. prohibiting a distributor from delivering, selling or distributing fluid milk products in any distribution area or municipality or part thereof other than the distribution area, municipality or part thereof designated on his licence;

42. designating as a milk product any product processed or derived in whole or in part from milk;

43. governing the methods of and the equipment used in processing milk or cream, or any class thereof, or in manufacturing any milk product;

44. providing for the standards of quality for and the composition of any milk product;

45. defining and designating classes of milk and milk products as fluid milk products;

46. providing for the minimum and maximum percentages of milk-fat, and the minimum percentage of milk solids other than milk-fat, in any fluid milk product;

47. regulating and prohibiting the addition to or removal from fluid milk products of any substance, and regulating and prohibiting the sale of fluid milk products, or any class thereof, to which the substance has been added or from which the substance has been removed;

48. prescribing the types and sizes of containers that shall be used for fluid milk products;

49. respecting the advertising in respect of and the labelling of containers for fluid milk products or any class of fluid milk products;

50. regulating retail or wholesale deliveries of fluid milk products or any class of fluid milk products by distributors;

51. prohibiting retail or wholesale deliveries of fluid milk products or any class of fluid milk products by distributors on any day or days;

52. establishing classes of reconstituted milk, providing for the issue, suspension and revocation of permits for the manufacture and sale of any class of reconstituted milk, and prescribing the fees payable for such permits and the records and returns to be made by the holders of such permits;

53. prescribing the standards of quality for and the composition of any class of reconstituted milk;

54. governing the advertising and the labelling of containers for any class of reconstituted milk;

55. prescribing the books, records and documents to be kept by distributors and operators of plants and the period for which such books, records and documents shall be kept, and providing for the inspection of such books, records and documents;

56. providing for the issue to producers of statements by distributors and operators of plants;

57. providing for sanitary standards and requirements for buildings and premises in which milk products, or any class thereof, are manufactured, stored, graded or packed;

58. prohibiting the buying or selling of and the trafficking in milk or cream, or any class thereof, by transporters;

59. requiring producers, transporters, processors and distributors to furnish to the Commission such information or returns as the Commission determines;

60. providing for the detention and disposal of any milk, cream, milk product, fluid milk product or reconstituted milk produced, processed or marketed in violation of this Act or the regulations;

61. establishing classes of field-men, and prescribing the powers and duties of field-men or any class thereof;

62. prescribing forms and providing for their use;

63. exempting from this Act or the regulations, or any part thereof, any plant or class of plants, any person or class of persons, or any milk product or any class, variety or grade of milk product;

64. designating milk as grade A milk, industrial milk or reconstituted milk;

65. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 239, s. 17, *amended*.

MUNICIPAL BY-LAWS

Interpretation

19.—(1) In this section,

(*a*) "municipality" means a city, town, village, township or improvement district;

(*b*) "vendor" means a person who sells fluid milk products to a consumer or a person who sells fluid milk products to any person for resale. R.S.O. 1960, c. 239, s. 30, *amended*.

Licensing by-laws, etc.

(2) The council of any municipality may pass by-laws for licensing, regulating and governing vendors, and for revoking such licences.

Where licence required

(3) No person shall be a vendor in a municipality in which any such by-law is in force without a licence therefor under this section. R.S.O. 1960, c. 239, s. 31, *amended*.

(4) Notwithstanding the provisions of this or any other Act, no council of a municipality shall by by-law require that fluid milk products sold in the municipality be produced or processed in the municipality or in any other designated area. *New.* Scope of by-laws

(5) The council of any municipality may pass by-laws prescribing the hours during which fluid milk products may be delivered within such municipality by vendors. R.S.O. 1960, c. 239, s. 32. By-laws prescribing hours of delivery

(6) The council of any municipality may by by-law appoint inspectors for the enforcement of this section and of any by-law passed under this section. R.S.O. 1960, c. 239, ss. 30-33, *amended*. Municipal inspectors

GENERAL

20. Every person who contravenes any of the provisions of this Act or the regulations, or of any plan, or of any order or direction of the Commission or any marketing board, or of any agreement or award or re-negotiated agreement or award filed with the Commission, or of any by-law under this Act, is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than $50 and, for a subsequent offence, to a fine of not less than $50 and not more than $500. R.S.O. 1960, c. 239, s. 35, *amended*. Offences

21. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any plan, order, direction, agreement, award or re-negotiated agreement or award made under this Act has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Commission, enjoin any transporter, processor, distributor or operator of a plant from carrying on business as a transporter, processor, distributor or operator of a plant, absolutely or for such period as seems just, and any injunction cancels the licence of the transporter, processor, distributor or operator of a plant named in the order for the same period. 1962-63, c. 82, s. 4, *amended* Injunction proceedings

22.—(1) Every person who fails to pay at least the minimum price established for any regulated product or for milk or cream in any agreement or award filed with the Commission is, in addition to the fine provided for in section 20, liable to a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or in part for such regulated product, milk or cream. Additional penalty for failure to pay minimum price

(2) Every penalty imposed under subsection 1 shall be paid to the marketing board or to the Commission, and the marketing board or the Commission, as the case may be, shall, Disposition of additional penalty

(*a*) pay the money to the person who failed to receive at least the minimum price; or

(*b*) use the money to stimulate, increase and improve the marketing of the regulated product or of milk or cream. R.S.O. 1960, c. 239, s. 37, *amended*.

Certified copies admissible in evidence

23. Where, in any action or prosecution under this Act, production of any agreement, award, order, regulation, direction, rule, resolution, determination or minute of the Commission or a marketing board is required, any document purporting to be a copy of such agreement, award, order, regulation, direction, rule, resolution, determination or minute, certified to be a true copy thereof by the chairman or secretary of the Commission or the marketing board, as the case may be, is admissible in evidence as proof of the making and of the text thereof without production of the original document and without proof of the signature of the person purporting to have certified it. R.S.O. 1960, c. 239, s. 38, *amended*.

Rebuttable presumption

24. In any prosecution for an offence under this Act, the act or omission of an act, in respect of which the prosecution was instituted, shall be deemed to relate to the marketing within Ontario of milk, cream or cheese, or any combination thereof, unless the contrary is proven. *New*.

Definitions in regulations

25.—(1) Any word or expression used in the Act or the regulations may be defined in the regulations for the purpose of the regulations.

Regulations may be limited

(2) Any regulation may be limited as to time or place, or to both. R.S.O. 1960, c. 239, s. 40.

APPEALS

Appeal to marketing board

26.—(1) Where any person deems himself aggrieved by any order, direction or decision of a marketing board, he may appeal to the marketing board by serving upon the marketing board written notice of the appeal.

Appeal to Commission

(2) Where any person deems himself aggrieved by,

(*a*) any decision of a marketing board on an appeal under subsection 1; or

(*b*) any order, direction or regulation made by the Commission,

he may appeal to the Commission by serving upon the Commission written notice of the appeal.

(3) Every notice under subsection 1 or 2 shall contain a statement of the matter being appealed and the name and address of the person making the appeal. Notice of appeal

(4) Upon receipt of a notice under clause *a* of subsection 2, the Commission shall forthwith notify the marketing board, and the marketing board shall thereupon forthwith provide the Commission with all relevant by-laws, orders, directions, regulations, documents and other material, of any kind whatsoever, in its possession. Marketing board to provide material

(5) In any appeal under subsection 1 or 2, the Commission or the marketing board, as the case may be, shall, within seven days after the notice referred to in subsection 1 or 2 is received, serve notice upon the person making the appeal of the date, time and place at which the appeal will be heard. Notice of hearing

(6) The Commission or the marketing board, as the case may be, shall hear and decide any appeal under subsection 1 or 2 within thirty days after the notice of appeal is received, but the Commission or the marketing board may, at the request of the person making the appeal, adjourn the hearing from time to time for such period or periods of time as the Commission or the marketing board deems just. Hearing

(7) At any hearing under this section, the person making the appeal has the right to attend and make representation and to adduce evidence respecting the appeal either by himself or through counsel. Right to be heard

(8) At any hearing of an appeal under clause *a* of subsection 2, the marketing board has the right to attend and make representations and to adduce evidence respecting the appeal either by its officers, or any of them, or through counsel. Idem

(9) Upon an appeal to the Commission under clause *a* of subsection 2, the Commission may, by order, direct the marketing board to take such action as the marketing board is authorized to take under this Act and as the Commission deems proper, and for this purpose the Commission may substitute its opinion for that of the marketing board. Disposition of appeal

(10) The Commission or the marketing board, as the case may be, shall, within ten days after the hearing is completed, serve notice upon the person making the appeal of its decision. Notice of decision

(11) A proceeding that is in substantial compliance with this section is not open to objection on the ground that it is not in strict compliance therewith. Substantial compliance

Service of notice

(12) Where a notice is served under this section, it may be served personally or,

(*a*) where the notice is served on the Commission or a marketing board, by mailing the notice to the address of the Commission or marketing board, as the case may be, at its usual business address; or

(*b*) where the notice is served on a person making an appeal, by mailing the notice to the address shown in his notice of appeal.

Rehearing

(13) After the Commission or a marketing board has decided an appeal under this section, the Commission or marketing board may reopen the hearing on its own motion and make a new decision, and the procedure for an appeal under this section applies to the rehearing.

MISCELLANEOUS

Existing plans, etc., continued

27. Every marketing plan heretofore approved or declared valid and binding, every regulation heretofore made, every order heretofore made by any commission or board or any local board, every agreement and every award heretofore made and every by-law passed under *The Milk Industry Act* or any predecessor of that Act that are in force on the day this Act comes into force remain in force in so far as they are not inconsistent with this Act until revoked, amended or replaced and shall be deemed to have been made under this Act.

R.S.O. 1960, c. 239

Moneys

28. The moneys required for the purposes of this Act shall, until the 31st day of March, 1966, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. *New.*

R.S.O. 1960, c. 239; 1960-61, c. 56; 1961-62, c. 80; 1962-63, c. 82; 1964, c. 61, repealed

29. *The Milk Industry Act*, *The Milk Industry Amendment Act, 1960-61*, *The Milk Industry Amendment Act, 1961-62*, *The Milk Industry Amendment Act, 1962-63* and *The Milk Industry Amendment Act, 1964* are repealed.

Commencement

30. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

31. This Act may be cited as *The Milk Act, 1965*.

1st Reading

May 7th, 1965

2nd Reading

May 13th, 1965

3rd Reading

MR. STEWART

(Reprinted as amended by the Committee of the Whole House)

1965

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The Milk Act, 1965

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BILL 135 **1965**

The Milk Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

1. "agreement" means an agreement made under the Act or the regulations;

2. "award" means an award made by the Commission or by an arbitrator or board of arbitration under the regulations;

3. "cheese factory" means premises in which milk is processed into cheese;

4. "Commission" means The Milk Commission of Ontario;

5. "concentrated milk plant" means a plant in which milk or cream is processed into a milk product other than butter or cheese or a fluid milk product;

6. "creamery" means premises in which milk or cream is processed into creamery butter;

7. "cream receiving station" means premises at which cream is received for the purpose of being transported to a creamery;

8. "dairy" means premises in which milk is processed into fluid milk products;

9. "distributor" means a person engaged in selling or distributing fluid milk products directly or indirectly to consumers;

10. "field-man" means a field-man appointed for the purposes of this Act;

11. "fluid milk products" means the classes of milk and milk products processed from grade A milk and designated as fluid milk products in the regulations;

12. "grade A milk" means milk designated as grade A milk in the regulations;

13. "industrial milk" means milk designated as industrial milk in the regulations;

14. "licence" means a licence provided for under this Act or the regulations;

15. "marketing" means buying, selling and offering for sale, and includes advertising, assembling, storing, distributing, financing, packing and shipping and transporting in any manner by any person, and "market" and "marketed" have corresponding meanings;

16. "marketing board" means a board constituted under a plan;

17. "milk" means milk from cows;

18. "milk product" means any product processed or derived in whole or in part from milk, and includes cream, butter, cheese, cottage cheese, condensed milk, milk powder, dry milk, ice cream, ice cream mix, casein, malted milk, sherbet and such other products that are designated as milk products in the regulations;

19. "milk receiving station" means premises at which milk is received for the purpose of being transported to a cheese factory, concentrated milk plant, creamery or dairy;

20. "Minister" means the Minister of Agriculture;

21. "plan" means a plan that is in force under this Act to provide for the control and regulation of the marketing of milk, cream or cheese, or any combination thereof;

22. "plant" means a cheese factory, concentrated milk plant, cream receiving station, creamery, dairy or milk receiving station;

23. "processing" means heating, pasteurizing, evaporating, drying, churning, freezing, separating into component parts, combining with other substances by any process or otherwise treating milk or cream in the manufacture or preparation of milk products or fluid milk products;

24. "processor" means a person engaged in the processing of milk products or fluid milk products;

25. "producer" means a producer of milk, cream or cheese;

26. "reconstituted milk" means milk designated as reconstituted milk in the regulations;

27. "regulated product" means milk, cream or cheese, or any combination thereof, in respect of which a plan is in force;

28. "regulations" means the regulations made under this Act;

29. "transporter" means a person transporting milk or cream. R.S.O. 1960, c. 239, s. 1, *amended*.

PURPOSE OF ACT

Purpose of Act

2. The purpose and intent of this Act is to provide for the control and regulation in any or all respects of,

(*a*) the marketing within Ontario of milk, cream or cheese, or any combination thereof, including the prohibition of such marketing in whole or in part; and

(*b*) the quality of milk, milk products and fluid milk products within Ontario. *New*.

THE MILK COMMISSION OF ONTARIO

Milk Commission established

3.—(1) There is hereby established a commission to be known as The Milk Commission of Ontario as a body corporate responsible to the Minister.

Composition

(2) The Commission shall be composed of not fewer than three members who shall be appointed by and hold office during the pleasure of the Lieutenant Governor in Council.

Chairman, vice-chairman

(3) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman and one as vice-chairman.

Quorum

(4) A majority of the members of the Commission constitutes a quorum whether or not a vacancy exists in the membership.

Vacancies

(5) Vacancies in the membership of the Commission caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council.

Remuneration and expenses

(6) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Staff

(7) The Lieutenant Governor in Council may appoint such officers, field-men and other employees as he deems necessary for the conduct of the affairs of the Commission.

No personal liability

(8) No member of the Commission and no officer, fieldman or other employee of the Commission is personally liable for anything done by him in good faith under or purporting to be under the authority of this Act or the regulations. *New.*

Powers and duties

4.—(1) The Commission shall exercise such powers and perform such duties as are conferred or imposed upon it by or under this Act.

Idem

(2) Without limiting the generality of subsection 1, the Commission may,

(*a*) upon its own initiative or upon complaint, inquire into any matter relating to the production, processing or marketing of milk or milk products;

(*b*) investigate, arbitrate, adjust or otherwise settle any dispute between persons engaged in producing, processing or marketing milk or milk products, or between any two classes of such persons;

(*c*) investigate the cost of producing, processing and marketing any milk or milk product, prices, price spreads, trade practices, methods of financing, management policies and other matters relating to the producing, processing or marketing of milk and milk products;

(*d*) require persons engaged in producing or marketing a regulated product to register their names, addresses and occupations with the Commission or marketing board;

(*e*) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product as the Commission or marketing board determines;

(*f*) appoint persons to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product;

(*g*) stimulate, increase and improve the marketing of milk and milk products by such means as it deems proper;

(*h*) co-operate with a marketing board or a marketing agency of Canada or of any province of Canada for the purpose of marketing any regulated product;

(*i*) after a hearing, prohibit a person engaged in marketing a regulated product from terminating or varying, without just cause, the marketing of the regulated product;

(*j*) authorize any officer or field-man to exercise such of its powers as it deems necessary and to report thereon to the Commission;

(*k*) take such action and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations, any plan or any agreement or award.

Powers of inquiry, etc.

(3) Upon any inquiry, arbitration or investigation under subsection 2, the Commission has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. R.S.O. 1960 c. 323

Delegation of powers

(4) The Commission may delegate to a marketing board such of its powers under subsection 2 as it deems necessary and may at any time terminate any such delegation.

(5) The Commission may make regulations,

Regulations with respect to filings, annual statements, etc.

(*a*) providing for the filing with the Commission by each marketing board of true copies of,

(i) minutes of all meetings of the marketing board,

(ii) all by-laws of the marketing board,

(iii) all orders, directions and regulations of the marketing board,

(iv) all reports of annual operations of the marketing board,

(v) all annual financial statements and audited reports of the marketing board, and

(vi) such further information, statements and reports as the Commission requires from the marketing board;

(*b*) providing for,

(i) the furnishing to producers of a regulated product of copies of the annual statement of operations and the financial report of the marketing board, and

(ii) the publication of the annual statement of operations and the financial report of each marketing board;

(*c*) providing for the manner in which and fixing the times at which, or within which, copies of minutes, orders, directions, regulations, reports and statements shall be filed with the Commission, furnished to producers or published, as the case may be, under clause *a* or *b*. *New.*

Powers of field-men

5. Every field-man may,

(*a*) enter any premises or conveyance used for the producing, processing or marketing of milk or milk products and inspect any equipment, milk or milk products found therein;

(*b*) stop any conveyance that he believes may contain any milk or milk product and inspect the conveyance and any milk or milk product found therein;

(*c*) obtain a sample of any milk or milk product at the expense of the owner for the purpose of making an inspection thereof;

(*d*) require the production or furnishing of copies of or extracts from any books, records or documents of persons engaged in the producing, processing or marketing of milk or milk products. R.S.O. 1960, c. 239, s. 11 (4), *amended.*

Petition for a plan

6.—(1) Where the Commission receives from a group of producers in Ontario or any part thereof a petition or request that a plan be established for the control and regulation of the marketing of milk, cream or cheese, or any combination thereof, and the Commission is of the opinion that the group of producers is representative of the producers affected by the proposed plan, the Commission may recommend the establishment of such a plan to the Minister. 1960-61, c. 56, s. 4 (1), *amended*.

Request for amendment

(2) Where the Commission receives from a marketing board a request that amendment be made to the plan or to regulations under the plan under which the marketing board is constituted, the Commission may recommend such amendment to the Minister. R.S.O. 1960, c. 239, s. 6 (5), *amended*.

Regulations with respect to plans and marketing boards

7.—(1) Notwithstanding section 6, the Lieutenant Governor in Council may make regulations,

(*a*) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of milk, cream or cheese, or any combination thereof, and constituting marketing boards to administer such plans;

(*b*) defining any word or words for the purposes of any plan;

(*c*) giving to any marketing board any or all of the powers that are vested in a co-operative corporation incorporated under Part V of *The Corporations Act*, as amended or re-enacted from time to time, and providing that in the exercise of such powers the members of the marketing board shall be deemed to be the shareholders and the directors thereof;

R.S.O. 1960, c. 71

(*d*) prescribing by-laws for regulating the conduct of the affairs of the Commission;

(*e*) prescribing by-laws for regulating the government of marketing boards and the conduct of their affairs, but any marketing board may make by-laws not inconsistent with this Act, with regulations made under this clause or with regulations made under the plan under which the marketing board is constituted, as amended from time to time;

(*f*) notwithstanding any other Act, providing for,

(i) the carrying out by the Commission or a trustee of any or all of the powers of a marketing board,

(ii) the vesting of the assets of a marketing board in the Commission or a trustee, and

(iii) the disposing of any or all of the assets of a marketing board in such manner as is prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the marketing board, the regulation prevails;

(*g*) dissolving a marketing board on such terms and conditions as he deems proper and providing for the disposition of its assets. R.S.O. 1960, c. 239, s. 7 (1); 1960-61, c. 56, s. 5 (1, 2), *amended*.

Application of plans

(2) A plan may apply to,

(*a*) all of Ontario or to any area within Ontario;

(*b*) milk, cream or cheese, or any combination thereof; and

(*c*) any or all persons engaged in producing, processing or marketing the product or products under clause *b* to which the plan applies. R.S.O. 1960, c. 239, s. 7 (2); 1960-61, c. 56, s. 5 (3), *amended*.

Method of choosing, etc., members of marketing boards

(3) The method by which the members of any marketing board shall be appointed, elected or chosen and the application of the plan shall be set out in the plan under which the marketing board is constituted.

Marketing boards are bodies corporate

(4) Every marketing board is a body corporate.

Acts of members valid

(5) The acts of a member or an officer of a marketing board are valid notwithstanding any defects that may afterwards be discovered in his qualifications and his appointment, election or choosing. R.S.O. 1960, c. 239, s. 7 (3-5), *amended*.

No personal liability

(6) No member of a marketing board or any of its officers or employees is personally liable for anything done by it or by him in good faith under or purporting to be under the authority of this Act or the regulations. *New*.

Regulations with respect to regulated products

8.—(1) The Commission may make regulations with respect to regulated products generally or to any regulated product, and, without limiting the generality of the foregoing, may make regulations,

1. providing for the licensing of any or all persons before commencing or continuing to engage in the producing, processing or marketing of a regulated product;

2. prohibiting persons from engaging in the producing, processing or marketing of any regulated product, except under the authority of a licence;

3. providing for the refusal to issue a licence to commence to engage in the producing, processing or marketing of a regulated product where the applicant is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made, or for any other reason that the Commission deems proper;

4. providing for the suspension or revocation of, or the refusal to issue or renew, a licence to continue to engage in the producing, processing or marketing of a regulated product, for failure to observe, perform or carry out the provisions of this Act, the regulations, any plan or any order or direction of the Commission or marketing board;

5. providing for the fixing of licence fees payable yearly, half-yearly, quarterly or monthly at different amounts or in instalments from any or all persons producing or marketing a regulated product, and the collecting of the licence fees and the recovering of such licence fees by suit in any court of competent jurisdiction;

6. requiring any person who receives a regulated product from a producer to deduct from the moneys payable to the producer any licence fees payable by the producer to the marketing board and to pay such licence fees to the marketing board;

7. requiring any person who produces and processes a regulated product to furnish to the Commission or to the marketing board statements of the amounts of the regulated product that he produced in any year and used for processing;

8. prescribing the form of licences;

9. providing for the exemption from any or all of the regulations under any plan of any class, variety, grade or size of regulated product or of any person

or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product;

10. requiring the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product, and providing for the administration, forfeiture and disposition of any moneys or securities so furnished;

11. providing for,

    i. the marketing of a regulated product on a quota basis,

    ii. the fixing and allotting to persons of quotas for the marketing of a regulated product on such basis as the Commission deems proper,

    iii. the refusing to fix and allot to any person a quota for the marketing of a regulated product for any reason that the Commission deems proper,

    iv. the cancelling or reducing of, or the refusing to increase, a quota fixed and allotted to any person for the marketing of a regulated product for any reason that the Commission deems proper, and

    v. the terms and conditions upon which a person may market a regulated product in excess of the quota fixed and allotted to him;

12. prohibiting,

    i. any person to whom a quota has not been fixed and allotted for the marketing of a regulated product or whose quota has been cancelled from marketing any of the regulated product, and

    ii. any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota;

13. providing for the control and regulation of the marketing of any regulated product, including the times and places at which the regulated product may be marketed;

14. determining the quantity of each class, variety, grade or size of the regulated product that shall be marketed by each producer;

15. providing for the control and regulation of agreements entered into by producers of a regulated product with persons engaged in marketing or processing the regulated product, and the prohibition of any provision or clause in such agreements;

16. authorizing a marketing board to determine from time to time the price or prices that shall be paid for the regulated product or any class, variety, grade or size of the regulated product, and to determine different prices for different parts of Ontario;

17. providing for the fixing, imposing and collecting of service charges from time to time for the marketing of the regulated product;

18. authorizing a marketing board to pay from service charges imposed under paragraph 17 its expenses in carrying out the purposes of the plan;

19. authorizing a marketing board to use any class of licence fees and other moneys payable to it for the purposes of paying the expenses of the marketing board, carrying out and enforcing this Act and the regulations and carrying out the purposes of the plan under which the marketing board is constituted;

20. authorizing a marketing board to establish a fund in connection with the plan for the payment of any moneys that may be required for the purposes mentioned in paragraph 19;

21. notwithstanding any other Act, providing that no marketing board shall make grants or other like payments of money to any person or association or body of persons without the approval of the Commission;

22. providing for the establishment, in connection with any plan, of advisory committees that may be empowered to advise and make recommendations to the marketing board or to any person or organization represented on the committee in respect of,

    i. the promotion of harmonious relationships between persons engaged in the producing and marketing of the regulated product,

    ii. the promotion of greater efficiency in the producing and marketing of the regulated product,

iii. the prevention and correction of irregularities and inequities in the marketing of the regulated product,

iv. the improvement of the quality and variety of the regulated product,

v. the improvement of the circulation of market information respecting the regulated product,

vi. without limiting the generality of any of the foregoing, any matter with respect to which the Commission or the marketing board may be empowered to make regulations under this Act;

23. determining the constitution of such advisory committees, and regulating the practice and procedure of such committees;

24. providing for the establishment, in connection with any plan, of negotiating agencies that may be empowered to adopt or settle by agreement,

i. the minimum prices for the regulated product or for any class, variety, grade or size of the regulated product,

ii. the terms, conditions and forms of agreements relating to the producing or marketing of the regulated product,

iii. any charges, costs or expenses relating to the producing or marketing of the regulated product;

25. providing for the establishment, in connection with any plan, of a conciliation board that may be empowered,

i. to endeavour to effect agreement on any matter referred to in paragraph 24 that a negotiating agency has failed to adopt or settle by agreement, and

ii. to recommend adoption of any agreement effected under subparagraph i to such negotiating agency;

26. providing for the arbitration by the Commission or by a board of arbitration of any matter not adopted or settled by agreement under paragraph 24;

27. providing for the arbitration by the Commission or by an arbitrator or by a board of arbitration of any dispute arising out of any agreement adopted or settled under paragraph 24 or any award made under paragraph 26;

28. determining the constitution of such negotiating agencies, conciliation boards and boards of arbitration, providing for the appointment of arbitrators, and regulating the practice and procedure of such agencies, boards and arbitrators;

29. requiring that no charges, costs or expenses relating to the producing or marketing of a regulated product shall be made, other than such charges, costs or expenses as are provided for in the agreement or award or re-negotiated agreement or award in force for the marketing of the regulated product;

30. prescribing the form of agreements filed with the Commission;

31. providing that the regulated product shall be marketed by, from or through the marketing board, and prohibiting any person from marketing any of the regulated product except by, from or through the marketing board;

32. authorizing any marketing board to prohibit the marketing of any class, variety, grade or size of any regulated product;

33. requiring any person who produces a regulated product to offer to sell and to sell the regulated product to or through the marketing board constituted to administer the plan under which the regulated product is regulated;

34. prohibiting any person from processing, packing or packaging any of the regulated product that has not been sold to, by or through the marketing board constituted to administer the plan established for the control and regulation of the marketing of the regulated product;

35. authorizing any marketing board to require the price or prices of the regulated product to be paid to or

through the marketing board, and to recover such price or prices by suit in a court of competent jurisdiction;

36. authorizing a marketing board to purchase or otherwise acquire such quantity or quantities of the regulated product as the marketing board deems advisable and to sell or otherwise dispose of such quantity or quantities of the regulated product so purchased or otherwise acquired;

37. authorizing any marketing board to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product, and requiring such marketing board, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, class, variety, grade and size of the regulated product delivered by him, and authorizing such marketing board to make an initial payment on delivery of the regulated product and subsequent payments until all the remainder of the moneys received from the sale is distributed to the producers;

38. providing for statements to be given by any marketing board to producers showing the class, variety, grade or size and the quantity of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by the marketing board;

39. designating as a milk product any product processed or derived in whole or in part from milk;

40. providing for the carrying out of any plan declared by the Lieutenant Governor in Council to be in force;

41. providing for the holding of a plebiscite of producers upon a question of favour of a plan or amendment of a plan or any matter respecting the marketing of a regulated product;

42. providing for the holding of public hearings on matters respecting the operation of any plan or the holding of a plebiscite of producers;

43. authorizing any marketing board to appoint agents, to prescribe their duties and terms and conditions of employment, and to fix their remuneration and provide for the payment thereof;

44. providing for the making of agreements relating to the marketing of any regulated product by or through a marketing board, and prescribing the forms and the terms and conditions of such agreements;

45. providing for the making of such orders and the issuing of such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations, any plan or any order or direction of the Commission or a marketing board. R.S.O. 1960, c. 239, s. 8 (1); 1960-61, c. 56, s. 6; 1962-63, c. 82, s. 2; 1964, c. 61, s. 2 (1), *amended*.

Agreements and awards

(2) Every agreement made under paragraph 24 of subsection 1 and every award made under paragraph 26 or 27 of subsection 1, and every agreement or award re-negotiated under clause *b* of this subsection,

(*a*) shall be filed with the Commission forthwith after the making thereof, and the Commission may, notwithstanding any defect in the establishment of the negotiating agency or the board of arbitration, as the case may be, by order declare the agreement or award, or re-negotiated agreement or award, or part thereof, to come into force on the day it is so filed or on such later date as is named in the agreement or award or re-negotiated agreement or award, as the case may be, and, subject to clause *b*, to remain in force for one year or for such period as is provided in the agreement or award or re-negotiated agreement or award; and

(*b*) may at any time upon an order of the Commission be re-negotiated in whole or in part in such manner as the Commission determines.

R.S.O. 1960, c. 349, not to apply

(3) *The Regulations Act* does not apply to any order of the Commission made under subsection 2.

Limited effect

(4) Any regulation made under this section may be limited as to time and place. R.S.O. 1960, c. 239, s. 8 (2-4), *amended*.

Form of agreement

(5) An agreement filed with the Commission under subsection 2 shall be in the form prescribed by the regulations, and the Commission may refuse to file an agreement that is not in such form. 1964, c. 61, s. 2 (2), *amended*.

Delegation of powers to marketing boards

(6) The Commission may delegate to a marketing board such of its powers under subsection 1 as it deems necessary, and may at any time terminate such delegation. R.S.O. 1960, c. 239, s. 8 (5), *amended*.

Limitations on powers, etc., of marketing boards

(7) Where the Commission delegates to a marketing board any of its powers to promote, control and regulate the marketing of a regulated product, the Commission may, at any time,

(*a*) limit the powers of the marketing board in any or all respects thereto; and

(*b*) revoke any regulation, order or direction of the marketing board made or purporting to be made under such powers. R.S.O. 1960, c. 239, s. 10, *amended*.

Other powers of Commission with respect to marketing boards

(8) The Commission may require any marketing board,

(*a*) to furnish to the Commission particulars of any proposed change in the purposes of the plan at least ten days before the proposed change becomes effective;

(*b*) to carry out any purpose of the plan that the Commission deems necessary or advisable;

(*c*) to vary any purpose of the plan as the Commission deems necessary or advisable; and

(*d*) to cease or desist from the carrying out of any purpose or proposed purpose of the plan that the Commission deems unnecessary or inadvisable. *New*.

Production of books, etc., to Commission

9.—(1) Every person, when requested so to do by an officer or field-man of the Commission or a person appointed by the Commission to inspect the books, records, documents, equipment and premises of persons engaged in the producing, processing or marketing of milk or milk products, shall, in respect of milk and milk products, produce such books, records and documents and permit inspection thereof and supply extracts therefrom and permit inspection of such equipment and premises.

Obstruction of officers of Commission

(2) No person shall hinder or obstruct an officer or field-man of the Commission or a person appointed by the Commission to inspect the books, records, documents, equipment and premises of persons engaged in the producing, processing or marketing of milk or milk products in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Certificate of appointment by Commission

(3) The production by any person of a certificate of appointment by the Commission to inspect the books, records,

documents, equipment and premises of persons engaged in the producing, processing or marketing of milk or milk products, purporting to be signed by the chairman and secretary of the Commission, shall be accepted by any person engaged in the producing, processing or marketing of milk or milk products as proof of such appointment. R.S.O. 1960, c. 239, s. 11 (1-3), *part, amended.*

Production of books, etc., to marketing board

10.—(1) Every person, when requested so to do by an officer of a marketing board or a person appointed by a marketing board to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product, shall, in respect of the regulated product, produce such books, records and documents and permit inspection thereof and supply extracts therefrom and permit inspection of such premises.

Obstruction of officers of marketing board

(2) No person shall hinder or obstruct an officer of a marketing board or a person appointed by a marketing board to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Certificate of appointment by marketing board

(3) The production by any person of a certificate of appointment by a marketing board to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product, purporting to be signed by the chairman and secretary of the marketing board, shall be accepted by any person engaged in the producing or marketing of the regulated product as proof of such appointment. R.S.O. 1960, c. 239, s. 11 (1-3), *part, amended.*

Producer-distributors

11.—(1) Any person who is a producer and distributor is entitled in his respective capacities as a producer and as a distributor to all the rights and privileges and is subject to all the duties and obligations of a producer and of a distributor.

Idem

(2) Any person who is a producer and distributor shall be deemed to have received in his capacity as a distributor from himself in his capacity as a producer the milk produced by him that he distributes and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that the regulations, orders, directions, agreements and awards and the re-negotiated agreements and awards made under this Act apply. *New.*

Producer-processors

12.—(1) Any person who is a producer and processor is entitled in his respective capacities as a producer and as a processor to all the rights and privileges and is subject to all the duties and obligations of a producer and of a processor.

Idem

(2) Any person who is a producer and a processor shall be deemed to have received in his capacity as a processor from himself in his capacity as a producer the milk produced by him that he processes and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that the regulations, orders, directions, agreements and awards and the re-negotiated agreements and awards made under this Act apply. *New.*

CONSTRUCTION AND OPERATION OF PLANTS

Permit to construct plant

13.—(1) No person shall construct or alter any building intended for use as a plant without a permit from the Commission.

Permit to alter plant

(2) No person shall alter a plant without a permit from the Commission.

Conditions precedent to issue of permit

(3) No permit shall be issued by the Commission unless,

(*a*) in the opinion of the Commission, the plant is necessary and desirable, having regard to the needs of the producers in the locality in which it is proposed to locate the plant and the facilities of the existing plants in operation; and

(*b*) the proposed plant complies with the regulations. R.S.O. 1960, c. 239, s. 13, *amended.*

Licence to operate plant

14.—(1) No person shall operate a plant without a licence therefor from the Commission. R.S.O. 1960, c. 239, s. 14, *amended.*

Licence to operate as distributor

(2) No person shall carry on business as a distributor without a licence therefor from the Commission. *New.*

Shade of butter

15.—(1) Except as provided in the regulations, no person shall process, sell, offer for sale or have in possession for sale butter that has a tint or shade containing less than one and six-tenths degrees or more than ten and one-half degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale or the equivalent of such measurement. 1962-63, c. 82, s. 3, *part, amended.*

Reconstituted milk

(2) Except as provided in the regulations, no person shall process, sell, offer for sale or have in possession for sale reconstituted milk. *New.*

Basis of payment for milk and cream

16. All milk and cream received at a plant shall be paid for on the basis of its milk-fat content or on such other basis as is prescribed by the regulations. R.S.O. 1960, c. 239, s. 16, *amended.*

17.—(1) Where one of the objects of a co-operative corporation to which Part V of *The Corporations Act* applies is to engage in the transportation of milk and the Commission issues a certificate to the Minister of Transport that more than three-quarters of the shareholders or members of the corporation are producers supplying milk to one or more plants in a municipality, no operating licence under *The Public Commercial Vehicles Act* is required by the corporation for the purpose of transporting such milk. Transportation of milk by producers' co-operative R.S.O. 1960, c. 71 R.S.O. 1960, c. 319

(2) The Commission may, after a hearing, revoke a certificate issued under subsection 1 and shall give notice of the revocation to the Minister of Transport. 1961-62, c. 80, s. 2, *amended.* Revocation of certificates

18. Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations, Regulations with respect to the operation of plants

1. providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences for the operation of any class of plant, and prescribing the fees payable for licences or the renewal thereof;

2. providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences for any class of distributor, and prescribing the fees payable for licences or the renewal thereof;

3. prescribing the terms and conditions upon which licences under paragraphs 1 and 2 are issued, renewed, suspended or revoked;

4. requiring the furnishing of security or proof of financial responsibility by any class of distributor or by any person engaged in the operation of any class of plant;

5. providing for the administration, forfeiture and disposition by the Commission of bonds or any moneys recovered under any such bonds or any moneys or securities furnished as proof of financial responsibility by a distributor or by an operator of a plant;

6. providing for the submission of drawings and specifications for the construction or alteration of a building intended for use as a plant or for the alteration of a plant;

7. prescribing the methods of construction or alteration of a building intended for use as a plant and the materials that shall be used for such construction or alteration;

8. prescribing the location of plants, the equipment that shall be used in connection with plants and the sanitary requirements for plants;

9. providing for the issue of permits for the construction or alteration of a building intended for use as a plant and for the alteration of a plant, and prescribing the terms and conditions therefor;

10. respecting the health of cows;

11. respecting sanitary conditions of cows, premises on which cows are kept or milked and the equipment used in connection with the producing, handling, storing or transporting of milk or cream, or any class thereof;

12. respecting the premises and equipment used in connection with the producing, handling, storing, testing or transporting of milk or cream, or any class thereof;

13. prohibiting the delivering, selling or offering for sale to a plant or the receiving at a plant of milk or cream, or any class thereof, that is not produced, handled, stored, collected, delivered, supplied, received or transported in accordance with the regulations or that has been rejected in accordance with the regulations;

14. prescribing conditions for the delivering, supplying, selling or offering for sale to a plant or the receiving at a plant of milk or cream, or any class thereof, that has been graded at or on behalf of another plant in accordance with the regulations;

15. providing for the addition of a food colouring to milk or cream, or any class thereof, that has been delivered or offered for sale to a plant and rejected in accordance with the regulations;

16. governing the collection, transportation, delivery, handling, storing, supplying or receiving of milk or cream, or any class thereof, and prescribing the time therefor;

17. providing for the identification, labelling and use of containers used for transporting milk or cream, or any class thereof;

18. providing for the cleaning and sanitation of vehicles used in transporting, collecting, delivering, supplying or receiving milk or cream, or any class thereof, and prescribing methods therefor;

19. respecting the quality of milk or cream, or any class thereof, delivered, supplied, sold or offered for sale to a plant or received at a plant;

20. providing for the pasteurizing of milk or cream used for the manufacture of a milk product;

21. establishing classes of milk, cream, milk products or fluid milk products;

22. establishing grades for milk or cream, or any class thereof;

23. providing for the selecting, grading, rejecting, weighing, sampling and testing of milk or cream, or any class thereof, sold or offered for sale;

24. providing for the fees payable for the selecting, grading, rejecting, weighing, sampling or testing of milk or cream, or any class thereof;

25. prescribing the tests, procedures to be followed and equipment to be used in testing the composition and quality of milk or cream or any milk product;

26. providing for the taking of samples of milk or cream or any milk product at the expense of the owner for the purpose of testing and for the identification and labelling of containers used therefor;

27. providing for the approval of laboratories for the purpose of testing milk, cream and milk products;

28. providing for the settlement of disputes in connection with the selecting, grading, rejecting, weighing, sampling and testing of milk or cream and the payment for the milk or cream;

29. establishing classes of buttermakers, cheesemakers, milk and cream testers and milk and cream graders;

30. providing for the examination and re-examination of persons applying for certificates for any class of buttermaker, cheesemaker, milk and cream tester or milk and cream grader;

31. prescribing the qualifications for persons to whom certificates may be issued;

32. providing for the issue, renewal, suspension or revocation of or refusal to issue or renew certificates, and prescribing the fees payable for certificates or the renewal thereof;

33. prescribing the terms and conditions upon which certificates are issued, renewed, suspended or revoked;

34. prescribing the basis, terms and manner of payment for milk or cream, or any class thereof, purchased from producers;

35. providing for the establishment and the manner of payment of price differentials for any grade of milk or cream, or any class thereof;

36. providing for the establishment and the manner of payment of price differentials for milk-fat in milk or any class thereof;

37. designating classes of producers;

38. designating classes of distributors and transporters;

39. defining areas, and designating them as distribution areas;

40. providing for the designation on licences, issued to distributors, of the distribution area or municipality or part thereof in which the distributor may deliver, sell or distribute fluid milk products;

41. prohibiting a distributor from delivering, selling or distributing fluid milk products in any distribution area or municipality or part thereof other than the distribution area, municipality or part thereof designated on his licence;

42. designating as a milk product any product processed or derived in whole or in part from milk;

43. governing the methods of and the equipment used in processing milk or cream, or any class thereof, or in manufacturing any milk product;

44. providing for the standards of quality for and the composition of any milk product;

45. defining and designating classes of milk and milk products as fluid milk products;

46. providing for the minimum and maximum percentages of milk-fat, and the minimum percentage of milk solids other than milk-fat, in any fluid milk product;

47. regulating and prohibiting the addition to or removal from fluid milk products of any substance, and regulating and prohibiting the sale of fluid milk products, or any class thereof, to which the substance has been added or from which the substance has been removed;

48. prescribing the types and sizes of containers that shall be used for fluid milk products;

49. respecting the advertising in respect of and the labelling of containers for fluid milk products or any class of fluid milk products;

50. regulating retail or wholesale deliveries of fluid milk products or any class of fluid milk products by distributors;

51. prohibiting retail or wholesale deliveries of fluid milk products or any class of fluid milk products by distributors on any day or days;

52. establishing classes of reconstituted milk, providing for the issue, suspension and revocation of permits for the manufacture and sale of any class of reconstituted milk, and prescribing the fees payable for such permits and the records and returns to be made by the holders of such permits;

53. prescribing the standards of quality for and the composition of any class of reconstituted milk;

54. governing the advertising and the labelling of containers for any class of reconstituted milk;

55. prescribing the books, records and documents to be kept by distributors and operators of plants and the period for which such books, records and documents shall be kept, and providing for the inspection of such books, records and documents;

56. providing for the issue to producers of statements by distributors and operators of plants;

57. providing for sanitary standards and requirements for buildings and premises in which milk products, or any class thereof, are manufactured, stored, graded or packed;

58. prohibiting the buying or selling of and the trafficking in milk or cream, or any class thereof, by transporters;

59. requiring producers, transporters, processors and distributors to furnish to the Commission such information or returns as the Commission determines;

60. providing for the detention and disposal of any milk, cream, milk product, fluid milk product or reconstituted milk produced, processed or marketed in violation of this Act or the regulations;

61. establishing classes of field-men, and prescribing the powers and duties of field-men or any class thereof;

62. prescribing forms and providing for their use;

63. exempting from this Act or the regulations, or any part thereof, any plant or class of plants, any person or class of persons, or any milk product or any class, variety or grade of milk product;

64. designating milk as grade A milk, industrial milk or reconstituted milk;

65. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 239, s. 17; 1960-61, c. 56, s. 9; 1961-62, c. 80, s. 1; 1964, c. 61, s. 3, *amended*.

MUNICIPAL BY-LAWS

Interpretation

19.—(1) In this section,

(*a*) "municipality" means a city, town, village, township or improvement district;

(*b*) "vendor" means a person who sells fluid milk products to a consumer or a person who sells fluid milk products to any person for resale. R.S.O. 1960, c. 239, s. 30, *amended*.

Licensing by-laws, etc.

(2) The council of any municipality may pass by-laws for licensing, regulating and governing vendors, and for revoking such licences.

Where licence required

(3) No person shall be a vendor in a municipality in which any such by-law is in force without a licence therefor under this section. R.S.O. 1960, c. 239, s. 31, *amended*.

(4) Notwithstanding the provisions of this or any other Act, no council of a municipality shall by by-law require that fluid milk products sold in the municipality be produced or processed in the municipality or in any other designated area. *New.* Scope of by-laws

(5) The council of any municipality may pass by-laws prescribing the hours during which fluid milk products may be delivered within such municipality by vendors. R.S.O. 1960, c. 239, s. 32. By-laws prescribing hours of delivery

(6) The council of any municipality may by by-law appoint inspectors for the enforcement of this section and of any by-law passed under this section. R.S.O. 1960, c. 239, s. 33, *amended.* Municipal inspectors

GENERAL

20. Every person who contravenes any of the provisions of this Act or the regulations, or of any plan, or of any order or direction of the Commission or any marketing board, or of any agreement or award or re-negotiated agreement or award filed with the Commission, or of any by-law under this Act, is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than $50 and, for a subsequent offence, to a fine of not less than $50 and not more than $500. R.S.O. 1960, c. 239, s. 35, *amended.* Offences

21. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any plan, order, direction, agreement, award or re-negotiated agreement or award made under this Act has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Commission, enjoin any transporter, processor, distributor or operator of a plant from carrying on business as a transporter, processor, distributor or operator of a plant, absolutely or for such period as seems just, and any injunction cancels the licence of the transporter, processor, distributor or operator of a plant named in the order for the same period. 1962-63, c. 82, s. 4, *amended.* Injunction proceedings

22.—(1) Every person who fails to pay at least the minimum price established for any regulated product or for milk or cream in any agreement or award filed with the Commission is, in addition to the fine provided for in section 20, liable to a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or in part for such regulated product, milk or cream. Additional penalty for failure to pay minimum price

(2) Every penalty imposed under subsection 1 shall be paid to the marketing board or to the Commission, and the marketing board or the Commission, as the case may be, shall, Disposition of additional penalty

(*a*) pay the money to the person who failed to receive at least the minimum price; or

(*b*) use the money to stimulate, increase and improve the marketing of the regulated product or of milk or cream. R.S.O. 1960, c. 239, s. 37, *amended*.

Certified copies admissible in evidence

23. Where, in any action or prosecution under this Act, production of any agreement, award, order, regulation, direction, rule, resolution, determination or minute of the Commission or a marketing board is required, any document purporting to be a copy of such agreement, award, order, regulation, direction, rule, resolution, determination or minute, certified to be a true copy thereof by the chairman or secretary of the Commission or the marketing board, as the case may be, is admissible in evidence as proof of the making and of the text thereof without production of the original document and without proof of the signature of the person purporting to have certified it. R.S.O. 1960, c. 239, s. 38, *amended*.

Rebuttable presumption

24. In any prosecution for an offence under this Act, the act or omission of an act, in respect of which the prosecution was instituted, shall be deemed to relate to the marketing within Ontario of milk, cream or cheese, or any combination thereof, unless the contrary is proven. *New*.

Definitions in regulations

25.—(1) Any word or expression used in the Act or the regulations may be defined in the regulations for the purpose of the regulations.

Regulations may be limited

(2) Any regulation may be limited as to time or place, or to both. R.S.O. 1960, c. 239, s. 40.

APPEALS

Appeal to marketing board

26.—(1) Where any person deems himself aggrieved by any order, direction or decision of a marketing board, he may appeal to the marketing board by serving upon the marketing board written notice of the appeal.

Appeal to Commission

(2) Where any person deems himself aggrieved by,

(*a*) any decision of a marketing board on an appeal under subsection 1; or

(*b*) any order, direction or regulation made by the Commission,

he may appeal to the Commission by serving upon the Commission written notice of the appeal.

(3) Every notice under subsection 1 or 2 shall contain a statement of the matter being appealed and the name and address of the person making the appeal. Notice of appeal

(4) Upon receipt of a notice under clause *a* of subsection 2, the Commission shall forthwith notify the marketing board, and the marketing board shall thereupon forthwith provide the Commission with all relevant by-laws, orders, directions, regulations, documents and other material, of any kind whatsoever, in its possession. Marketing board to provide material

(5) In any appeal under subsection 1 or 2, the Commission or the marketing board, as the case may be, shall, within seven days after the notice referred to in subsection 1 or 2 is received, serve notice upon the person making the appeal of the date, time and place at which the appeal will be heard. Notice of hearing

(6) The Commission or the marketing board, as the case may be, shall hear and decide any appeal under subsection 1 or 2 within thirty days after the notice of appeal is received, but the Commission or the marketing board may, at the request of the person making the appeal, adjourn the hearing from time to time for such period or periods of time as the Commission or the marketing board deems just. Hearing

(7) At any hearing under this section, the person making the appeal has the right to attend and make representation and to adduce evidence respecting the appeal either by himself or through counsel. Right to be heard

(8) At any hearing of an appeal under clause *a* of subsection 2, the marketing board has the right to attend and make representations and to adduce evidence respecting the appeal either by its officers, or any of them, or through counsel. Idem

(9) Upon an appeal to the Commission under clause *a* of subsection 2, the Commission may, by order, direct the marketing board to take such action as the marketing board is authorized to take under this Act and as the Commission deems proper, and for this purpose the Commission may substitute its opinion for that of the marketing board. Disposition of appeal

(10) The Commission or the marketing board, as the case may be, shall, within ten days after the hearing is completed, serve notice upon the person making the appeal of its decision. Notice of decision

(11) A proceeding that is in substantial compliance with this section is not open to objection on the ground that it is not in strict compliance therewith. Substantial compliance

Service of notice

(12) Where a notice is served under this section, it may be served personally or,

(*a*) where the notice is served on the Commission or a marketing board, by mailing the notice to the address of the Commission or marketing board, as the case may be, at its usual business address; or

(*b*) where the notice is served on a person making an appeal, by mailing the notice to the address shown in his notice of appeal.

Rehearing

(13) After the Commission or a marketing board has decided an appeal under this section, the Commission or marketing board may reopen the hearing on its own motion and make a new decision, and the procedure for an appeal under this section applies to the rehearing.

MISCELLANEOUS

Existing plans, etc., continued

27. Every marketing plan heretofore approved or declared valid and binding, every regulation heretofore made, every order heretofore made by any commission or board or any local board, every agreement and every award heretofore made and every by-law passed under *The Milk Industry Act* or any predecessor of that Act that are in force on the day this Act comes into force remain in force in so far as they are not inconsistent with this Act until revoked, amended or replaced and shall be deemed to have been made under this Act.

R.S.O. 1960, c. 239

Moneys

28. The moneys required for the purposes of this Act shall, until the 31st day of March, 1966, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. *New.*

R.S.O. 1960, c. 239; 1960-61, c. 56; 1961-62, c. 80; 1962-63, c. 82; 1964, c. 61, repealed

29. *The Milk Industry Act*, *The Milk Industry Amendment Act, 1960-61*, *The Milk Industry Amendment Act, 1961-62*, *The Milk Industry Amendment Act, 1962-63* and *The Milk Industry Amendment Act, 1964* are repealed.

Commencement

30. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

31. This Act may be cited as *The Milk Act, 1965*.

1st Reading

May 7th, 1965

2nd Reading

May 13th, 1965

3rd Reading

June 21st, 1965

MR. STEWART

BILL 136

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act respecting Medical Services Insurance

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of this Bill is to make medical services insurance available to every resident of Ontario regardless of age, state of past or present health, financial means or occupation.

Medical services insurance will be provided by the Government, through a division of the Department of Health, to residents who are unable to pay the whole or a part of the cost of such insurance.

The Act will be administered by the Department of Health. In addition, the Bill provides for the establishment of a council, composed of representatives of the public, the medical profession and the medical services insurance companies, to advise the Minister in matters connected with the Act.

The Bill also establishes a corporation composed of the medical services insurance companies. The function of this corporation will be to regulate the technical and administrative operations of the companies concerned.

BILL 136 **1965**

An Act respecting Medical Services Insurance

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "benefits" of a standard contract means a payment made to, or on behalf of, a covered person for medical, surgical or obstetrical care or services or the performance of such care or services for a covered person;

(*b*) "carrier" means a person, firm, group, association, society, union or corporation that sells or provides or offers to sell or provide medical services insurance, except a mutual benefit society licensed under *The Insurance Act*; R.S.O. 1960, c. 190

(*c*) "Corporation" means Medical Carriers Incorporated established under this Act;

(*d*) "Council" means the Medical Services Insurance Council established under this Act;

(*e*) "covered person" means a person who is covered by medical services insurance;

(*f*) "dependant" means a resident who is,

(i) the spouse of the head of a family, or

(ii) a child of the head of a family who is dependent for support upon the head of the family and who is under the age of twenty-one years and unmarried;

(*g*) "guaranteed renewable" means the right that is conferred upon the holder of a standard contract, in the

absence of misrepresentation, misuse of services or non-payment of subscription, to continue on the same basis, except for subscription rates, his contract in force from the date of issue until the carrier is no longer licensed under this Act;

(*h*) "head of a family" means the member of a family upon whom the family is principally dependent for maintenance;

(*i*) "licensed carrier" means a carrier licensed under this Act;

(*j*) "medical services insurance" means a contract, agreement, scheme, fund or arrangement whereby a resident is covered for medical, surgical or obstetrical care or services or the cost or a portion thereof when rendered to such resident and to his dependants by or under the direction of a physician, but does not include the limited and incidental insurance against medical and surgical expenses provided in conjunction with motor vehicle liability, accident liability, employer's liability, public liability and workmen's compensation insurance policies;

(*k*) "Minister" means the Minister of Health;

(*l*) "open enrolment period" means the period that is from time to time designated by the Minister as a period during which persons may enrol for standard contracts;

(*m*) "physician" means a legally qualified medical practitioner who is registered as such under a statute governing the practice of medicine in the jurisdiction in which any medical, surgical or obstetrical services are rendered to a resident;

(*n*) "regulations" means the regulations made under this Act;

(*o*) "resident" means an individual who is legally entitled to remain in Canada, who has ordinarily resided in Ontario for a continuous period of at least ninety days immediately preceding the date on which an application for a standard contract is made by him or on his behalf, but does not include a tourist, transient or visitor to Ontario;

(*p*) "standard co-insurance medical services insurance contract" means a contract that is guaranteed renewable and that provides to residents the benefits set forth in Schedule B, and to qualify as such it must be a separate contract and must be designated as such;

(*q*) "standard contract" means a standard co-insurance medical services insurance contract or a standard medical services insurance contract;

(*r*) "standard medical services insurance contract" means a contract that is guaranteed renewable and that provides to residents the benefits set forth in Schedule A, and to qualify as such it must be a separate contract and must be designated as such;

(*s*) "subscription" means the premium, fee or other sum of money payable for a standard contract, and includes all sums of money payable from time to time to maintain the contract in force;

(*t*) "Superintendent" means the Superintendent of Insurance for Ontario.

Minister responsible

2.—(1) The Minister is responsible for the administration of this Act.

Powers

(2) The Minister may,

(*a*) designate open enrolment periods;

(*b*) exempt licensed carriers from the requirement of providing standard medical services insurance contracts; and

(*c*) approve the general form and content of standard contracts.

Medical Services Insurance Council

3.—(1) There shall be a Medical Services Insurance Council, which shall be appointed by the Lieutenant Governor in Council and which shall be composed of nine members, five representative of the public, two representative of the medical profession nominated by the Ontario Medical Association, and two representative of the licensed carriers nominated by the Corporation.

Chairman

(2) The Lieutenant Governor in Council shall designate one of the members of the Council as chairman.

Vacancies

(3) The Lieutenant Governor in Council may fill any vacancies that occur in the membership of the Council, having regard to the balance of representation provided for in subsection 1.

Quorum

(4) A majority of all the members of the Council constitutes a quorum whether or not a vacancy exists on the Council.

Functions, general

(5) The Council shall act as adviser to the Minister in the administration of this Act and shall make recommendations to him upon,

(*a*) the initial and subsequent maximum subscription rates recommended by the Corporation;

(*b*) the designation of open enrolment periods recommended by the Corporation;

(*c*) the general form and content of standard contracts; and

(*d*) any other matter related to this Act.

Idem, complaints

(6) The Council shall deal with complaints relative to this Act, and with all matters referred to it by the Minister or by the Corporation.

Idem, exemptions

(7) The Council shall consider the application of any licensed carrier for exemption from the requirement of providing standard medical services insurance contracts and shall make its recommendation to the Minister, having regard to the grounds prescribed by the regulations.

Idem, additional functions

(8) The Council shall perform such additional functions as are prescribed by the regulations.

Medical Carriers Incorporated

4.—(1) There is hereby established a corporation without share capital under the name of "Medical Carriers Incorporated", whose membership shall be composed of the licensed carriers.

Board of directors

(2) The board of directors of the Corporation shall consist of seven directors appointed as follows: two by the Canadian Health Insurance Association, two by physician-sponsored carriers, one by health insurance co-operatives, one by self-insurers and all other carriers, and the seventh, who shall be chairman, to be appointed by the six first-mentioned directors.

(3) In the event of any of the classes of carriers mentioned in subsection 2 failing to appoint a director within the time provided by the by-laws of the Corporation, the directors who have been appointed shall select and appoint a director representative of and from such class. Failure to appoint director

(4) The chairman shall not be a director, officer, agent, employee or representative of, or be connected directly or indirectly with, any carrier. Qualification of chairman

(5) The Corporation shall, Functions, general

(*a*) recommend to the Council from time to time changes in benefits and maximum subscription rates;

(*b*) recommend to the Council initial and subsequent open enrolment periods and enrolment procedures;

(*c*) pass by-laws governing the qualification, classification and regulation of its members;

(*d*) regulate and deal with any matter relating to its administrative or technical operations;

(*e*) act as a central depositary of statistical information required and received from its members relative to the operation of standard contracts;

(*f*) advise on, deal with or carry out any matter referred to it by the Council;

(*g*) designate the licensed carriers, other than those exempt under clause *b* of subsection 2 of section 2, that shall offer standard co-insurance medical services insurance contracts.

(6) The Corporation shall establish and administer a system for the pooling of standard contracts and may upon application therefor exempt a licensed carrier from the pooling requirements. Idem, pooling system

(7) The powers of the Corporation shall be exercised by its board of directors. Idem

(8) The members of the Corporation shall be assessed annually for the moneys required for its operations. Annual assessment

(9) The proportion of any assessment for the administrative expenses of its operations, adjusted for profits or losses in Determination of assessment

pooling arrangements, to be levied in any year and to be borne by each member, shall be determined in an equitable manner by its board of directors and confirmed by at least two-thirds of the votes cast by the members present in person or represented by proxy and entitled to vote at any annual or general meeting of the members.

Voting of members

(10) In any meeting of the members of the Corporation in any or all matters for decision of the members, the number of votes to be cast by or on behalf of any member shall be based upon the proportion of the number of persons between the ages of twenty-one years and sixty-five years covered in Ontario by the member under contracts of all forms of medical services insurance in relation to the total number of such persons so covered in Ontario by all members, and the by-laws of the Corporation may provide the necessary rules with respect thereto, but, on the request of any member present, a two-thirds majority vote shall be required to pass any motion.

Procedure where assessment not confirmed

(11) If the members fail to confirm an assessment or if two or more members give notice to the board of directors that they question the equity of an assessment and the matter cannot be resolved by the board of directors, the matter shall be referred for decision to a board of three arbitrators, one to be named by the Corporation, one to be named by the Superintendent, and a chairman to be named by a judge of the Supreme Court upon application of the other two arbitrators.

Powers of arbitrators R.S.O. 1960, c. 18

(12) The arbitrators have all the powers of arbitrators under *The Arbitrations Act* and may at any time and from time to time proceed in such manner as they think fit on such notice as they consider reasonable.

Award

(13) The award of the arbitrators or of a majority of them shall be made within thirty days of the referral of the matter to them, and such award is final and binding.

Reports, etc., to Council

(14) The Corporation shall furnish copies of the minutes of the meetings of its members and of its board of directors to the Council and, in addition, such reports and information as the Council may require from time to time.

Availability of standard medical services insurance contracts

5.—(1) Standard medical services insurance contracts shall be made available to residents and their dependants without regard to age, physical or mental infirmity, financial means, or occupation, by every licensed carrier that is not exempt under clause *b* of subsection 2 of section 2.

Availability of standard co-insurance medical services insurance contracts

(2) Standard co-insurance medical services insurance contracts shall be made available to residents and their dependants without regard to age, physical or mental infirmity,

financial means, or occupation, by every licensed carrier that is not exempt under clause *b* of subsection 2 of section 2 and that is designated under clause *g* of subsection 5 of section 4.

Idem, through Minister

6.—(1) The Minister shall, in accordance with the regulations,

(*a*) provide standard medical services insurance contracts for persons of such classes as are designated by the regulations who qualify for total subsidy assistance and who apply therefor; and

(*b*) provide standard medical services insurance contracts for persons of such classes as are designated by the regulations.

Idem, through Minister

(2) The Minister shall provide standard contracts upon such terms and conditions as to contributions as the regulations provide for persons of such classes, other than those mentioned in subsection 1, as are designated by the regulations and who apply therefor.

Source of contracts

(3) The Minister shall provide the contracts mentioned in subsections 1 and 2, through the Medical Services Insurance Division of the Department of Health.

Status of M.S.I.D.

(4) The Medical Services Insurance Division mentioned in subsection 3 shall be deemed to be a licensed carrier, but is excluded from membership in the Corporation and exempted from participation in the pooling requirements of the Corporation.

Assistance in paying premiums

7.—(1) Any person who is unable to continue payment of his medical services insurance subscriptions, because of a lack of income due to unemployment, illness or disability, may within the first thirty days of such default make application to the Council for assistance, during the period of unemployment, illness or disability, to continue his medical services insurance contract or towards the purchase of a standard contract.

Consideration of applications

(2) The Council shall consider applications made under subsection 1 and shall make recommendations to the Minister in accordance with the regulations.

Licence

8.—(1) In order to carry on business, a carrier must have a licence under this Act.

Additional requirement

(2) A licensed carrier that is required to provide standard medical services insurance contracts must also be licensed as an insurer under *The Insurance Act* or be registered as an association under *The Prepaid Hospital and Medical Services Act*.

R.S.O. 1960, cc. 190, 304

Application for licence

(3) An application for a licence under this Act shall be made on a form supplied by the Superintendent, who may grant or refuse to grant the licence.

Appeal from a refusal to grant a licence

(4) Where the Superintendent refuses to grant a licence under this Act, the applicant may appeal to the Council, and thereupon the Council shall hold a hearing and notify the Superintendent and the applicant of its decision, and the Superintendent shall act in accordance therewith.

What contracts licensed carriers to sell

9.—(1) Licensed carriers, unless exempt under clause *b* of subsection 2 of section 2, shall offer for sale and issue standard medical services insurance contracts and may offer for sale and issue standard co-insurance medical services insurance contracts to persons who are eligible and who apply and pay the subscription therefor.

Application for exemption

(2) An application by a licensed carrier for exemption from the requirement of providing standard medical services insurance contracts shall be made to the Council on a form supplied by it.

Limited areas of operation

(3) Notwithstanding subsection 1, a licensed carrier that in the normal course of its business offers for sale and issues medical services insurance only to its own members or to the residents of a particular locality or district may restrict its offer to sell or provide standard contracts to its own members or to the residents of such locality or district.

Suspension or cancellation of licences

10.—(1) The Superintendent may suspend or cancel the licence under this Act of a carrier if it is not operating in the public interest or if it contravenes any provision of this Act.

Appeal

(2) Any carrier whose licence under this Act is suspended or cancelled by the Superintendent under subsection 1 may appeal to a judge of the Supreme Court, who upon cause shown may make an order directing the Superintendent to remove the suspension or withdraw the cancellation, as the case may be, or may make such other order as he deems proper.

Penalty where no licence

11. Every carrier that carries on business without a licence under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $100 for each day upon which it so carries on.

Penalty for failure to sell standard contract

12. Every licensed carrier, unless exempt under clause *b* of subsection 2 of section 2, that fails or refuses to sell a standard contract to any resident when requested to do so in accordance with this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $500.

13. The subscription for a standard contract shall not exceed the applicable maximum subscription in effect at the date of the application for the contract or its renewal. Subscription

14.—(1) Every resident who is not a dependant or, where such a resident is the head of a family and has not applied for a standard contract, his dependent spouse is entitled to have a standard contract issued to him if the application therefor is made and if the subscription therefor is paid during an open enrolment period, and the effective date of such a contract shall be the first day of the month following the closing date of the open enrolment period. Applications during open enrolment period

(2) Every dependent who becomes twenty-one years of age, and every person who qualifies as a resident after the expiration of an open enrolment period, is entitled to apply for a standard contract if the application therefor is made and the subscription therefor is paid within thirty days following the day upon which he so qualifies, and the effective date of such a contract shall be the first day of the month following the date of application and payment of subscription. Application and qualification after open enrolment period

(3) A standard contract issued under this section, No waiting period

(*a*) shall not provide any waiting period or any limitation of benefits with respect to any pre-existing physical or mental infirmity or condition, save for the exceptions prescribed by the regulations; and

(*b*) shall provide an eight months waiting period and limitation of benefits with respect to pregnancy, or resulting childbirth or miscarriage, save for such exceptions as are prescribed by the regulations.

15.—(1) Where a resident who is not a dependant or his dependent spouse ceases to be covered after the expiration of an open enrolment period under a group medical services insurance contract, and, Transfers from group contracts to standard contracts

(*a*) where the carrier of the previous insurance is a licensed carrier selling insurance to the public and is not exempt under clause *b* of subsection 2 of section 2, such carrier shall make a standard medical services insurance contract available to such person or, where the carrier is designated under clause *g* of subsection 5 of section 4, shall make available a standard co-insurance medical services insurance contract to such person, which contract shall become effective as of the date of termination of the previous insurance, provided application is made and the subscription is paid within thirty days of such date of termination; or Idem

Idem

(*b*) where the carrier of the previous insurance is a licensed carrier as described in subsection 3 of section 9 and is not exempt under clause *b* of subsection 2 of section 2, such carrier shall make a standard medical services insurance contract available to such person or, where the carrier is designated under clause *g* of subsection 5 of section 4, shall make available a standard co-insurance medical services insurance contract, which contract shall become effective as of the date of termination of the previous insurance, provided application is made and the subscription is paid within thirty days of such date of termination; or

Extension of group coverage

(*c*) where the carrier of the group medical services insurance contract is exempt under clause *b* of subsection 2 of section 2, such carrier shall, upon the request of the covered person given within thirty days of the date of termination of the contract, extend the coverage of the group medical services insurance contract until an open enrolment period occurs.

Waiting periods upon transference

(2) All waiting periods and limitation of benefits under a standard contract issued by the licensed carrier of the previous insurance pursuant to this section shall be calculated from the effective date of coverage of the covered person under the previous insurance.

Applications after open enrolment period

16.—(1) Where the application of a person entitled to apply under section 14 or 15 is not made and the subscription therefor is not paid within the period mentioned therein, such person may apply for a standard contract at any time, and, upon payment of the subscription, a contract shall be issued to such person, which shall become effective three months following the date of such application and payment.

Waiting period

(2) A standard contract issued under subsection 1 shall provide that no benefit will accrue for medical, surgical or obstetrical care or services rendered to a covered person during the five months immediately following the effective date of the contract if the costs of such service arise from pregnancy or resulting childbirth or miscarriage or conditions that result directly or indirectly therefrom, except such conditions as are prescribed by the regulations.

Reasons for cancellation of standard contract by carrier

17.—(1) Except as provided in section 21, a standard contract may be cancelled by a licensed carrier only,

(*a*) for misrepresentation or fraud;

(*b*) for non-payment of the subscription;

(*c*) where the covered person ceases to be a resident, in which event coverage terminates ninety days after the date of ceasing to be a resident; or

(*d*) for misuse of services for which benefits are provided.

Right of appeal to Council

(2) A covered person whose standard contract is cancelled under clause *a*, *c* or *d* of subsection 1 may appeal to the Council as provided in the regulations, and, where an appeal is taken, the cancellation is not effective until the Council has given its decision.

Maximum subscription rates

18.—(1) No licensed carrier shall charge a subscription rate under a standard contract in excess of the applicable maximum subscription rate prescribed by the regulations.

Idem, first two years

(2) For the period of two years after the day on which this Act comes into force, the prescribed maximum subscription rates for a standard contract shall remain constant and shall be on the basis of one rate for an individual, one rate for a family of two, and one rate for a family of three or more.

Adjustment of maximum subscription rates after two-year period

(3) After the period mentioned in subsection 2, the Corporation may not more often than once in any twelve-month period recommend an adjustment of the maximum subscription rates.

Notice of change in maximum subscription rates

(4) The Corporation shall give its members at least ninety days notice in writing before any change in the maximum subscription rates becomes effective.

Adjustment of subscription rates

19.—(1) Any licensed carrier may from time to time, but not more often than once in any twelve-month period, adjust its subscription rates in respect of standard contracts in accordance with its normal business practice, but any such adjustment shall be on a class-risk basis and not on an individual or family basis and shall in no event exceed the maximum subscription rates for the time being in force.

Notice of adjustment of subscription rates

(2) A licensed carrier that has adjusted its subscription rates under subsection 1 shall notify its holders of standard contracts of such adjustment in the manner designated by the regulations.

O.M.A. schedule of fees

20.—(1) Subject to subsection 2, the benefits under a standard contract during the period of two years after the day on which this Act comes into force shall be the Ontario Medical Association's schedule of fees in effect on the day on which this Act comes into force, and thereafter shall be the schedule of fees of that Association in effect from time to time.

Amount of benefits

(2) The amount of the benefits referred to in subsection 1 shall be the fees set forth in the Ontario Medical Association's schedule of fees for practice in general, including the referral of a covered person by his physician to another physician, except,

(*a*) where there is a referral of the covered person to a certified specialist by another physician; or

(*b*) where there is no fee set forth in the Ontario Medical Association's schedule of fees for practice in general,

and in the cases mentioned in clauses *a* and *b* the Ontario Medical Association's schedule of fees for certified specialists applies.

Interpretation

(3) In this section, "certified specialist" and "referral" have the meanings given them by the regulations.

Cancellation of contracts where carrier going out of business

21.—(1) Any licensed carrier may, upon giving sixty days notice in writing to the Superintendent, the Council, the Corporation and the covered person in the manner prescribed in the contract, cancel all but not part of its medical services insurance contracts, other than those contracts which by their terms are either non-cancellable or guaranteed renewable.

Carrier to renew or to reinsure non-cancellable or guaranteed renewable contracts

(2) Any licensed carrier that has in force, in addition to standard contracts, medical services insurance contracts that by their terms are either non-cancellable or guaranteed renewable shall not cancel such medical services insurance contracts under subsection 1, but shall renew such contracts according to their tenor, unless the licensed carrier has fully re-insured the liability under such medical services insurance contracts with an insurer licensed under *The Insurance Act*.

R.S.O. 1960, c. 190

Cancellation of licence

(3) Upon the expiry of the period of sixty days mentioned in subsection 1, the licence issued to the carrier under this Act is cancelled.

Rights to other insurance

(4) Any licensed carrier that cancels its medical services insurance contracts under subsection 1 shall, in the notice of cancellation given thereunder, state that the covered persons may, within a period of sixty days from the date of the notice, make application to any other licensed carrier for a standard contract, and such other licensed carrier, unless exempt under clause *b* of subsection 2 of section 2, shall, upon receipt of the application and the subscription therefor, issue a standard contract, and the waiting period and limitation of benefits with respect thereto shall be calculated from the effective date of coverage of the covered person under the prior medical services insurance contract.

(5) Notwithstanding anything in this Act, any licensed carrier that cancels its medical services insurance contracts under subsection 1 remains, subject to receipt of proper notice and proof of claim within the times prescribed in the contract, liable to the date of cancellation for all benefits to which a covered person is entitled under the contract to the date of cancellation, and the licensed carrier shall refund on a *pro rata* basis any unearned subscription. Carrier's liability

22. Every standard contract shall provide that, where a covered person makes a claim and at the time the claim arose he had in force any other contract providing benefits for medical expenses that were covered by the standard contract, the amount of benefits under the standard contract will be reduced by the amounts of benefits payable under such other contract. Coverage under more than one contract

23. Where a person is covered by a standard contract and received or is to be compensated for medical or surgical care or services under any enactment of this Legislature or any other jurisdiction, he is not entitled to benefit under such standard contract to the extent that he received or is to be compensated for such care or services under such enactment. Coverage under standard contract and by statute

24. A licensed carrier is subrogated to any right of a covered person to receive from any other person the benefits paid by the licensed carrier, and such licensed carrier may bring an action in the name of the covered person to enforce any such right. Subrogation of licensed carrier

25. No licensed carrier shall, under a standard contract, interfere with the right of a covered person to choose his own physician or impose an obligation upon a physician to treat any covered person. Non-interference with selection of physicians

26. In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails. Conflict

27. The moneys required for the purposes of this Act during the fiscal year 1965-66 shall be paid out of the Consolidated Revenue Fund, and thereafter such moneys shall be paid out of the moneys that are appropriated by the Legislature for the purposes of this Act. Moneys for purposes of Act

28. The Lieutenant Governor in Council may make regulations, Regulations

(*a*) prescribing the grounds upon which the Council may recommend exemptions from the requirements of providing standard medical services insurance contracts;

(*b*) prescribing additional functions of the Council;

(*c*) designating the classes of persons mentioned in section 6 and regulating the provision by the Minister of standard medical services insurance contracts for persons of the relevant designated classes and regulating the contribution of the Minister to standard contracts for persons of the relevant designated classes;

(*d*) respecting recommendations to the Minister by the Council under subsection 2 of section 7;

(*e*) prescribing the exceptions referred to in subsection 3 of section 14;

(*f*) prescribing the conditions referred to in subsection 2 of section 16;

(*g*) respecting the appeal provided in subsection 2 of section 17;

(*h*) prescribing maximum subscription rates;

(*i*) prescribing the manner in which the notice referred to in subsection 2 of section 19 shall be given;

(*j*) defining the terms "certified specialist" and "referral" as used in subsection 3 of section 20;

(*k*) prescribing limitations on benefits under standard contracts;

(*l*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commencement

29. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

30. This Act may be cited as *The Medical Services Insurance Act, 1965*.

SCHEDULE A

STANDARD MEDICAL SERVICES INSURANCE CONTRACT

The benefits provided by this Standard Medical Services Insurance Contract to a covered person shall be the payment for necessary personal professional services of a physician, wherever rendered, or the performance of such services, as the case may be, unless limited or excepted under this Act or under this Schedule.

Limitations as prescribed by the regulations:

1. Annual health examinations.

2. Well-baby care.

3. Psychotherapy.

Exceptions:

1. (*a*) Services that a covered person is entitled to receive under *The Workmen's Compensation Act* or similar legislation in any other jurisdiction.

   (*b*) Services that a covered person receives under any Act of this Legislature or under any enactment of any other jurisdiction.

   (*c*) Services for which no charge would be made in the absence of insurance.

2. (*a*) Laboratory and other diagnostic procedures rendered as hospital services to the extent that these are provided for under the plan of hospital care insurance under *The Hospital Services Commission Act*, and laboratory services and clinical pathology other than those authorized or ordered by a physician, billed by a physician, and performed under the direction of a physician, subject to any limitations imposed by the regulations.

   (*b*) Dental care for dental purposes, including X-ray and anaesthetist services; nursing services; ambulance services; dressings and cast materials; use of operating, plaster or fracture rooms; drugs, vaccines, biological sera or extracts or their synthetic substitutes; eye glasses; special appliances; oxygen; physical therapy and other similar treatments.

3. Physician's services rendered to a covered person where the physician is paid to provide the services.

4. Services with respect to conditions that are not detrimental to the health of the covered person or with respect to treatment for cosmetic purposes only.

5. Expenses for travelling time or mileage.

6. Advice by telephone.

7. (*a*) Any services or examinations for the purpose of,

   (i) an application for insurance or under a requirement for keeping insurance in force,

   (ii) an application for admission to or continuance at or in a school, college, university, camp or an association,

(iii) employment, or the continuance of employment, or pursuant to the request of an employer or other person in authority,

(iv) a passport, visa or other similar document.

(*b*) Any similar examinations other than for the health of the person covered.

8. Group inoculation or inoculations pursuant to a statute or by-law or regulation thereunder.

9. Examination of the eyes by refraction.

10. Services rendered by a physician pursuant to an arrangement for rendering services to the employees of an employer or to members of an association.

SCHEDULE B

STANDARD CO-INSURANCE MEDICAL SERVICES INSURANCE CONTRACT

The benefits provided by this Standard Co-insurance Medical Services Insurance Contract to a covered person shall be the payment of 80% of the benefits provided in Schedule A of the excess over $25 (deductible) per covered person, or $50 (deductible) per family, in any calendar year for the necessary personal professional services of a physician, wherever rendered, or the performance of such services, as the case may be, unless limited or excepted under this Act or under Schedule A.

1st Reading

May 11th, 1965

2nd Reading

3rd Reading

MR. DYMOND

BILL 136

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act respecting Medical Services Insurance

MR. DYMOND

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTER AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of this Bill is to make medical services insurance available to every resident of Ontario regardless of age, state of past or present health, financial means or occupation.

Medical services insurance will be provided by the Government, through a division of the Department of Health, to residents who are unable to pay the whole or a part of the cost of such insurance.

The Act will be administered by the Department of Health. In addition, the Bill provides for the establishment of a council, composed of representatives of the public, the medical profession and the medical services insurance companies, to advise the Minister in matters connected with the Act.

The Bill also establishes a corporation composed of the medical services insurance companies. The function of this corporation will be to regulate the technical and administrative operations of the companies concerned.

BILL 136 **1965**

An Act respecting Medical Services Insurance

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "benefits" of a standard contract means a payment made to, or on behalf of, a covered person for medical, surgical or obstetrical care or services or the performance of such care or services for a covered person;

(*b*) "carrier" means a person, firm, group, association, society, union or corporation that sells or provides or offers to sell or provide medical services insurance, except a mutual benefit society licensed under *The Insurance Act*; R.S.O. 1960, c. 190

(*c*) "Corporation" means Medical Carriers Incorporated established under this Act;

(*d*) "Council" means the Medical Services Insurance Council established under this Act;

(*e*) "covered person" means a person who is covered by medical services insurance;

(*f*) "dependant" means a resident who is,

(i) the spouse of the head of a family, or

(ii) a child of the head of a family who is dependent for support upon the head of the family and who is under the age of twenty-one years and unmarried;

(*g*) "guaranteed renewable" means the right that is conferred upon the holder of a standard contract, in the

absence of misrepresentation, misuse of services or non-payment of subscription, to continue on the same basis, except for subscription rates, his contract in force from the date of issue until the carrier is no longer licensed under this Act;

(*h*) "head of a family" means the member of a family upon whom the family is principally dependent for maintenance;

(*i*) "licensed carrier" means a carrier licensed under this Act;

(*j*) "medical services insurance" means a contract, agreement, scheme, fund or arrangement whereby a resident is covered for medical, surgical or obstetrical care or services or the cost or a portion thereof when rendered to such resident and to his dependants by or under the direction of a physician, but does not include the limited and incidental insurance against medical and surgical expenses provided in conjunction with motor vehicle liability, accident liability, employer's liability, public liability and workmen's compensation insurance policies;

(*k*) "Minister" means the Minister of Health;

(*l*) "open enrolment period" means the period that is from time to time designated by the Minister as a period during which persons may enrol for standard contracts;

(*m*) "physician" means a legally qualified medical practitioner who is registered as such under a statute governing the practice of medicine in the jurisdiction in which any medical, surgical or obstetrical services are rendered to a resident;

(*n*) "regulations" means the regulations made under this Act;

(*o*) "resident" means an individual who is legally entitled to remain in Canada, who has ordinarily resided in Ontario for a continuous period of at least ninety days immediately preceding the date on which an application for a standard contract is made by him or on his behalf, but does not include a tourist, transient or visitor to Ontario;

(*p*) "standard co-insurance medical services insurance contract" means a contract that is guaranteed renewable and that provides to residents the benefits set forth in Schedule B, and to qualify as such it must be a separate contract and must be designated as such;

(*q*) "standard contract" means a standard co-insurance medical services insurance contract or a standard medical services insurance contract;

(*r*) "standard medical services insurance contract" means a contract that is guaranteed renewable and that provides to residents the benefits set forth in Schedule A, and to qualify as such it must be a separate contract and must be designated as such;

(*s*) "subscription" means the premium, fee or other sum of money payable for a standard contract, and includes all sums of money payable from time to time to maintain the contract in force;

(*t*) "Superintendent" means the Superintendent of Insurance for Ontario.

Minister responsible

2.—(1) The Minister is responsible for the administration of this Act.

Powers

(2) The Minister may,

(*a*) designate open enrolment periods;

(*b*) exempt licensed carriers from the requirement of providing standard medical services insurance contracts; and

(*c*) approve the general form and content of standard contracts.

Medical Services Insurance Council

3.—(1) There shall be a Medical Services Insurance Council, which shall be appointed by the Lieutenant Governor in Council and which shall be composed of nine members, five representative of the public, two representative of the medical profession nominated by the Ontario Medical Association, and two representative of the licensed carriers nominated by the Corporation.

Chairman

(2) The Lieutenant Governor in Council shall designate one of the members of the Council as chairman.

Vacancies

(3) The Lieutenant Governor in Council may fill any vacancies that occur in the membership of the Council, having regard to the balance of representation provided for in subsection 1.

Quorum

(4) A majority of all the members of the Council constitutes a quorum whether or not a vacancy exists on the Council.

Functions, general

(5) The Council shall act as adviser to the Minister in the administration of this Act and shall make recommendations to him upon,

(*a*) the initial and subsequent maximum subscription rates recommended by the Corporation;

(*b*) the designation of open enrolment periods recommended by the Corporation;

(*c*) the general form and content of standard contracts; and

(*d*) any other matter related to this Act.

Idem, complaints

(6) The Council shall deal with complaints relative to this Act, and with all matters referred to it by the Minister or by the Corporation.

Idem, exemptions

(7) The Council shall consider the application of any licensed carrier for exemption from the requirement of providing standard medical services insurance contracts and shall make its recommendation to the Minister, having regard to the grounds prescribed by the regulations.

Idem, additional functions

(8) The Council shall perform such additional functions as are prescribed by the regulations.

Medical Carriers Incorporated

4.—(1) There is hereby established a corporation without share capital under the name of "Medical Carriers Incorporated", whose membership shall be composed of the licensed carriers.

Board of directors

(2) The board of directors of the Corporation shall consist of seven directors appointed as follows: two by the Canadian Health Insurance Association, two by physician-sponsored carriers, one by health insurance co-operatives, one by self-insurers and all other carriers, and the seventh, who shall be chairman, to be appointed by the six first-mentioned directors.

(3) In the event of any of the classes of carriers mentioned in subsection 2 failing to appoint a director within the time provided by the by-laws of the Corporation, the directors who have been appointed shall select and appoint a director representative of and from such class. Failure to appoint director

(4) The chairman shall not be a director, officer, agent, employee or representative of, or be connected directly or indirectly with, any carrier. Qualification of chairman

(5) The Corporation shall, Functions, general

(*a*) recommend to the Council from time to time changes in benefits and maximum subscription rates;

(*b*) recommend to the Council initial and subsequent open enrolment periods and enrolment procedures;

(*c*) pass by-laws governing the qualification, classification and regulation of its members;

(*d*) regulate and deal with any matter relating to its administrative or technical operations;

(*e*) act as a central depositary of statistical information required and received from its members relative to the operation of standard contracts;

(*f*) advise on, deal with or carry out any matter referred to it by the Council;

(*g*) designate the licensed carriers, other than those exempt under clause *b* of subsection 2 of section 2, that shall offer standard co-insurance medical services insurance contracts.

(6) The Corporation shall establish and administer a system for the pooling of standard contracts and may upon application therefor exempt a licensed carrier from the pooling requirements. Idem, pooling system

(7) The powers of the Corporation shall be exercised by its board of directors. Idem

(8) The members of the Corporation shall be assessed annually for the moneys required for its operations. Annual assessment

(9) The proportion of any assessment for the administrative expenses of its operations, adjusted for profits or losses in Determination of assessment

pooling arrangements, to be levied in any year and to be borne by each member, shall be determined in an equitable manner by its board of directors and confirmed by at least two-thirds of the votes cast by the members present in person or represented by proxy and entitled to vote at any annual or general meeting of the members.

Voting of members

(10) In any meeting of the members of the Corporation in any or all matters for decision of the members, the number of votes to be cast by or on behalf of any member shall be based upon the proportion of the number of persons between the ages of twenty-one years and sixty-five years covered in Ontario by the member under contracts of all forms of medical services insurance in relation to the total number of such persons so covered in Ontario by all members, and the by-laws of the Corporation may provide the necessary rules with respect thereto, but, on the request of any member present, a two-thirds majority vote shall be required to pass any motion.

Procedure where assessment not confirmed

(11) If the members fail to confirm an assessment or if two or more members give notice to the board of directors that they question the equity of an assessment and the matter cannot be resolved by the board of directors, the matter shall be referred for decision to a board of three arbitrators, one to be named by the Corporation, one to be named by the Superintendent, and a chairman to be named by a judge of the Supreme Court upon application of the other two arbitrators.

Powers of arbitrators R.S.O. 1960, c. 18

(12) The arbitrators have all the powers of arbitrators under *The Arbitrations Act* and may at any time and from time to time proceed in such manner as they think fit on such notice as they consider reasonable.

Award

(13) The award of the arbitrators or of a majority of them shall be made within thirty days of the referral ot the matter to them, and such award is final and binding.

Reports, etc., to Council

(14) The Corporation shall furnish copies of the minutes of the meetings of its members and of its board of directors to the Council and, in addition, such reports and information as the Council may require from time to time.

Availability of standard medical services insurance contracts

5.—(1) Standard medical services insurance contracts shall be made available to residents and their dependants without regard to age, physical or mental infirmity, financial means, or occupation, by every licensed carrier that is not exempt under clause *b* of subsection 2 of section 2.

Availability of standard co-insurance medical services insurance contracts

(2) Standard co-insurance medical services insurance contracts shall be made available to residents and their dependants without regard to age, physical or mental infirmity,

financial means, or occupation, by every licensed carrier that is not exempt under clause *b* of subsection 2 of section 2 and that is designated under clause *g* of subsection 5 of section 4.

Idem, through Minister

6.—(1) The Minister shall, in accordance with the regulations,

(*a*) provide standard medical services insurance contracts for persons of such classes as are designated by the regulations who qualify for total subsidy assistance and who apply therefor; and

(*b*) provide standard medical services insurance contracts for persons of such classes as are designated by the regulations.

Idem, through Minister

(2) The Minister shall provide standard contracts upon such terms and conditions as to contributions as the regulations provide for persons of such classes, other than those mentioned in subsection 1, as are designated by the regulations and who apply therefor.

Source of contracts

(3) The Minister shall provide the contracts mentioned in subsections 1 and 2, through the Medical Services Insurance Division of the Department of Health.

Status of M.S.I.D.

(4) The Medical Services Insurance Division mentioned in subsection 3 shall be deemed to be a licensed carrier, but is excluded from membership in the Corporation and exempted from participation in the pooling requirements of the Corporation.

Assistance in paying premiums

7.—(1) Any person who is unable to continue payment of his medical services insurance subscriptions, because of a lack of income due to unemployment, illness or disability, may within the first thirty days of such default make application to the Council for assistance, during the period of unemployment, illness or disability, to continue his medical services insurance contract or towards the purchase of a standard contract.

Consideration of applications

(2) The Council shall consider applications made under subsection 1 and shall make recommendations to the Minister in accordance with the regulations.

Licence

8.—(1) In order to carry on business, a carrier must have a licence under this Act.

Additional requirement

(2) A licensed carrier that is required to provide standard medical services insurance contracts must also be licensed as an insurer under *The Insurance Act* or be registered as an association under *The Prepaid Hospital and Medical Services Act*.

R.S.O. 1960, cc. 190, 304

Application for licence

(3) An application for a licence under this Act shall be made on a form supplied by the Superintendent, who may grant or refuse to grant the licence.

Appeal from a refusal to grant a licence

(4) Where the Superintendent refuses to grant a licence under this Act, the applicant may appeal to the Council, and thereupon the Council shall hold a hearing and notify the Superintendent and the applicant of its decision, and the Superintendent shall act in accordance therewith.

What contracts licensed carriers to sell

9.—(1) Licensed carriers, unless exempt under clause *b* of subsection 2 of section 2, shall offer for sale and issue standard medical services insurance contracts and may offer for sale and issue standard co-insurance medical services insurance contracts to persons who are eligible and who apply and pay the subscription therefor.

Application for exemption

(2) An application by a licensed carrier for exemption from the requirement of providing standard medical services insurance contracts shall be made to the Council on a form supplied by it.

Limited areas of operation

(3) Notwithstanding subsection 1, a licensed carrier that in the normal course of its business offers for sale and issues medical services insurance only to its own members or to the residents of a particular locality or district may restrict its offer to sell or provide standard contracts to its own members or to the residents of such locality or district.

Suspension or cancellation of licences

10.—(1) The Superintendent may suspend or cancel the licence under this Act of a carrier if it is not operating in the public interest or if it contravenes any provision of this Act.

Appeal

(2) Any carrier whose licence under this Act is suspended or cancelled by the Superintendent under subsection 1 may appeal to a judge of the Supreme Court, who upon cause shown may make an order directing the Superintendent to remove the suspension or withdraw the cancellation, as the case may be, or may make such other order as he deems proper.

Penalty where no licence

11. Every carrier that carries on business without a licence under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $100 for each day upon which it so carries on.

Penalty for failure to sell standard contract

12. Every licensed carrier, unless exempt under clause *b* of subsection 2 of section 2, that fails or refuses to sell a standard contract to any resident when requested to do so in accordance with this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $500.

13. The subscription for a standard contract shall not exceed the applicable maximum subscription in effect at the date of the application for the contract or its renewal. Subscription

14.—(1) Every resident who is not a dependant or, where such a resident is the head of a family and has not applied for a standard contract, his dependent spouse is entitled to have a standard contract issued to him if the application therefor is made and if the subscription therefor is paid during an open enrolment period, and the effective date of such a contract shall be the first day of the month following the closing date of the open enrolment period. Applications during open enrolment period

(2) Every dependent who becomes twenty-one years of age, and every person who qualifies as a resident after the expiration of an open enrolment period, is entitled to apply for a standard contract if the application therefor is made and the subscription therefor is paid within thirty days following the day upon which he so qualifies, and the effective date of such a contract shall be the first day of the month following the date of application and payment of subscription. Application and qualification after open enrolment period

(3) A standard contract issued under this section, No waiting period

(*a*) shall not provide any waiting period or any limitation of benefits with respect to any pre-existing physical or mental infirmity or condition, save for the exceptions prescribed by the regulations; and

(*b*) shall provide an eight months waiting period and limitation of benefits with respect to pregnancy, or resulting childbirth or miscarriage, save for such exceptions as are prescribed by the regulations.

15.—(1) Where a resident who is not a dependant or his dependent spouse ceases to be covered after the expiration of an open enrolment period under a group medical services insurance contract, and, Transfers from group contracts to standard contracts

(*a*) where the carrier of the previous insurance is a licensed carrier selling insurance to the public and is not exempt under clause *b* of subsection 2 of section 2, such carrier shall make a standard medical services insurance contract available to such person or, where the carrier is designated under clause *g* of subsection 5 of section 4, shall make available a standard co-insurance medical services insurance contract to such person, which contract shall become effective as of the date of termination of the previous insurance, provided application is made and the subscription is paid within thirty days of such date of termination; or Idem

Idem

(*b*) where the carrier of the previous insurance is a licensed carrier as described in subsection 3 of section 9 and is not exempt under clause *b* of subsection 2 of section 2, such carrier shall make a standard medical services insurance contract available to such person or, where the carrier is designated under clause *g* of subsection 5 of section 4, shall make available a standard co-insurance medical services insurance contract, which contract shall become effective as of the date of termination of the previous insurance, provided application is made and the subscription is paid within thirty days of such date of termination; or

Extension of group coverage

(*c*) where the carrier of the group medical services insurance contract is exempt under clause *b* of subsection 2 of section 2, such carrier shall, upon the request of the covered person given within thirty days of the date of termination of the contract, extend the coverage of the group medical services insurance contract until an open enrolment period occurs.

Waiting periods upon transference

(2) All waiting periods and limitation of benefits under a standard contract issued by the licensed carrier of the previous insurance pursuant to this section shall be calculated from the effective date of coverage of the covered person under the previous insurance.

Applications after open enrolment period

16.—(1) Where the application of a person entitled to apply under section 14 or 15 is not made and the subscription therefor is not paid within the period mentioned therein, such person may apply for a standard contract at any time, and, upon payment of the subscription, a contract shall be issued to such person, which shall become effective three months following the date of such application and payment.

Waiting period

(2) A standard contract issued under subsection 1 shall provide that no benefit will accrue for medical, surgical or obstetrical care or services rendered to a covered person during the five months immediately following the effective date of the contract if the costs of such service arise from pregnancy or resulting childbirth or miscarriage or conditions that result directly or indirectly therefrom, except such conditions as are prescribed by the regulations.

Reasons for cancellation of standard contract by carrier

17.—(1) Except as provided in section 21, a standard contract may be cancelled by a licensed carrier only,

(*a*) for misrepresentation or fraud as to a material fact;

(*b*) for non-payment of the subscription;

(*c*) where the covered person ceases to be a resident, in which event coverage terminates ninety days after the date of ceasing to be a resident; or

(*d*) for misuse of services for which benefits are provided.

Right of appeal to Council

(2) A covered person whose standard contract is cancelled under clause *a*, *c* or *d* of subsection 1 may appeal to the Council as provided in the regulations, and, where an appeal is taken, the cancellation is not effective until the Council has given its decision.

Carrier to advise as to right of appeal

(3) In the notice of cancellation, the carrier shall advise the covered person of his right to appeal the cancellation to the Council.

Maximum subscription rates

18.—(1) No licensed carrier shall charge a subscription rate under a standard contract in excess of the applicable maximum subscription rate prescribed by the regulations.

Idem, first two years

(2) For the period of two years after the day on which this Act comes into force, the prescribed maximum subscription rates for a standard contract shall remain constant and shall be on the basis of one rate for an individual, one rate for a family of two, and one rate for a family of three or more.

Adjustment of maximum subscription rates after two-year period

(3) After the period mentioned in subsection 2, the Corporation may not more often than once in any twelve-month period recommend an adjustment of the maximum subscription rates.

Notice of change in maximum subscription rates

(4) The Corporation shall give its members at least ninety days notice in writing before any change in the maximum subscription rates becomes effective.

Adjustment of subscription rates

19.—(1) Any licensed carrier may from time to time, but not more often than once in any twelve-month period, adjust its subscription rates in respect of standard contracts in accordance with its normal business practice, but any such adjustment shall be on a class-risk basis and not on an individual or family basis and shall in no event exceed the maximum subscription rates for the time being in force.

Notice of adjustment of subscription rates

(2) A licensed carrier that has adjusted its subscription rates under subsection 1 shall notify its holders of standard contracts of such adjustment in the manner designated by the regulations.

O.M.A. schedule of fees

20.—(1) Subject to subsection 2, the benefits under a standard contract during the period of two years after the day

on which this Act comes into force shall be the Ontario Medical Association's schedule of fees in effect on the day on which this Act comes into force, and thereafter shall be the schedule of fees of that Association in effect from time to time.

Amount of benefits

(2) The amount of the benefits referred to in subsection 1 shall be the fees set forth in the Ontario Medical Association's schedule of fees for practice in general, including the referral of a covered person by his physician to another physician, except,

(*a*) where there is a referral of the covered person to a certified specialist by another physician; or

(*b*) where there is no fee set forth in the Ontario Medical Association's schedule of fees for practice in general,

and in the cases mentioned in clauses *a* and *b* the Ontario Medical Association's schedule of fees for certified specialists applies.

Interpretation

(3) In this section, "certified specialist" and "referral" have the meanings given them by the regulations.

Cancellation of contracts where carrier going out of business

21.—(1) Any licensed carrier may, upon giving sixty days notice in writing to the Superintendent, the Council, the Corporation and the covered person in the manner prescribed in the contract, cancel all but not part of its medical services insurance contracts, other than those contracts which by their terms are either non-cancellable or guaranteed renewable.

Carrier to renew or to reinsure non-cancellable or guaranteed renewable contracts

(2) Any licensed carrier that has in force, in addition to standard contracts, medical services insurance contracts that by their terms are either non-cancellable or guaranteed renewable shall not cancel such medical services insurance contracts under subsection 1, but shall renew such contracts according to their tenor, unless the licensed carrier has fully re-insured the liability under such medical services insurance contracts with an insurer licensed under *The Insurance Act*.

R.S.O. 1960, c. 190

Cancellation of licence

(3) Upon the expiry of the period of sixty days mentioned in subsection 1, the licence issued to the carrier under this Act is cancelled.

Rights to other insurance

(4) Any licensed carrier that cancels its medical services insurance contracts under subsection 1 or that cancels a medical services insurance contract for any reason other than those specified in section 17 shall, in the notice of cancellation given thereunder, state that the covered persons may, within a period of sixty days from the date of the notice, make application to any other licensed carrier for a standard contract,

and such other licensed carrier, unless exempt under clause *b* of subsection 2 of section 2, shall, upon receipt of the application and the subscription therefor, issue a standard contract, and the waiting period and limitation of benefits with respect thereto shall be calculated from the effective date of coverage of the covered person under the prior medical services insurance contract.

Carrier's liability

(5) Notwithstanding anything in this Act, any licensed carrier that cancels its medical services insurance contracts under subsection 1 remains, subject to receipt of proper notice and proof of claim within the times prescribed in the contract, liable to the date of cancellation for all benefits to which a covered person is entitled under the contract to the date of cancellation, and the licensed carrier shall refund on a *pro rata* basis any unearned subscription.

Coverage under more than one contract

22. Every standard contract shall provide that, where a covered person makes a claim and at the time the claim arose he had in force any other contract providing benefits for medical expenses that were covered by the standard contract, the amount of benefits under the standard contract will be reduced by the amounts of benefits payable under such other contract.

Coverage under standard contract and by statute

23. Where a person is covered by a standard contract and received or is to be compensated for medical or surgical care or services under any enactment of this Legislature or any other jurisdiction, he is not entitled to benefit under such standard contract to the extent that he received or is to be compensated for such care or services under such enactment.

Subrogation of licensed carrier

24. A licensed carrier is subrogated to any right of a covered person to receive from any other person the benefits paid by the licensed carrier, and such licensed carrier may bring an action in the name of the covered person to enforce any such right.

Non-interference with selection of physicians

25. No licensed carrier shall, under a standard contract, interfere with the right of a covered person to choose his own physician or impose an obligation upon a physician to treat any covered person.

Conflict

26. In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails.

Moneys for purposes of Act

27. The moneys required for the purposes of this Act during the fiscal year 1965-66 shall be paid out of the Consolidated Revenue Fund, and thereafter such moneys shall be paid out of the moneys that are appropriated by the Legislature for the purposes of this Act.

Regulations

28. The Lieutenant Governor in Council may make regulations,

(*a*) prescribing the grounds upon which the Council may recommend exemptions from the requirements of providing standard medical services insurance contracts;

(*b*) prescribing additional functions of the Council;

(*c*) designating the classes of persons mentioned in section 6 and regulating the provision by the Minister of standard medical services insurance contracts for persons of the relevant designated classes and regulating the contribution of the Minister to standard contracts for persons of the relevant designated classes;

(*d*) respecting recommendations to the Minister by the Council under subsection 2 of section 7;

(*e*) prescribing the exceptions referred to in subsection 3 of section 14;

(*f*) prescribing the conditions referred to in subsection 2 of section 16;

(*g*) respecting the appeal provided in subsection 2 of section 17;

(*h*) prescribing maximum subscription rates;

(*i*) prescribing the manner in which the notice referred to in subsection 2 of section 19 shall be given;

(*j*) defining the terms "certified specialist" and "referral" as used in subsection 3 of section 20;

(*k*) prescribing limitations on benefits under standard contracts;

(*l*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commencement

29. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

30. This Act may be cited as *The Medical Services Insurance Act, 1965*.

SCHEDULE A

STANDARD MEDICAL SERVICES INSURANCE CONTRACT

The benefits provided by this Standard Medical Services Insurance Contract to a covered person shall be the payment for necessary personal professional services of a physician, wherever rendered, or the performance of such services, as the case may be, unless limited or excepted under this Act or under this Schedule.

Limitations as prescribed by the regulations:

1. Annual health examinations.
2. Well-baby care.
3. Psychotherapy.

Exceptions:

1. (*a*) Services that a covered person is entitled to receive under *The Workmen's Compensation Act* or similar legislation in any other jurisdiction.

   (*b*) Services that a covered person receives under any Act of this Legislature or under any enactment of any other jurisdiction.

   (*c*) Services for which no charge would be made in the absence of insurance.

2. (*a*) Laboratory and other diagnostic procedures rendered as hospital services to the extent that these are provided for under the plan of hospital care insurance under *The Hospital Services Commission Act*, and laboratory services and clinical pathology other than those authorized or ordered by a physician, billed by a physician, and performed under the direction of a physician, subject to any limitations imposed by the regulations.

   (*b*) Dental care for dental purposes, including X-ray and anaesthetist services; nursing services; ambulance services; dressings and cast materials; use of operating, plaster or fracture rooms; drugs, vaccines, biological sera or extracts or their synthetic substitutes; eye glasses; special appliances; oxygen; physical therapy and other similar treatments.

3. Physician's services rendered to a covered person where the physician is paid to provide the services.

4. Services with respect to conditions that, in the opinion of a physician, are not detrimental to the health of a covered person, including services for cosmetic purposes only.

5. Expenses for travelling time or mileage.

6. Advice by telephone.

7. (*a*) Any services or examinations for the purpose of,

   (i) an application for insurance or under a requirement for keeping insurance in force,

   (ii) an application for admission to or continuance at or in a school, college, university, camp or an association,

(iii) employment, or the continuance of employment, or pursuant to the request of an employer or other person in authority,

(iv) a passport, visa or other similar document.

(*b*) Any similar examinations other than for the health of the person covered.

8. Group inoculation or inoculations pursuant to a statute or by-law or regulation thereunder.

9. Examination of the eyes by refraction.

10. Services rendered by a physician pursuant to an arrangement for rendering services to the employees of an employer or to members of an association.

SCHEDULE B

STANDARD CO-INSURANCE MEDICAL SERVICES INSURANCE CONTRACT

The benefits provided by this Standard Co-insurance Medical Services Insurance Contract to a covered person shall be the payment of 80% of the benefits provided in Schedule A of the excess over $25 (deductible) per covered person, or $50 (deductible) per family, in any calendar year for the necessary personal professional services of a physician, wherever rendered, or the performance of such services, as the case may be, unless limited or excepted under this Act or under Schedule A.

1st Reading

May 11th, 1965

2nd Reading

June 1st, 1965

3rd Reading

MR. DYMOND

(Reprinted as amended by the Committee of the Whole House)

1965

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3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act respecting Medical Services Insurance

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 136 **1965**

An Act respecting Medical Services Insurance

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "benefits" of a standard contract means a payment made to, or on behalf of, a covered person for medical, surgical or obstetrical care or services or the performance of such care or services for a covered person;

(*b*) "carrier" means a person, firm, group, association, society, union or corporation that sells or provides or offers to sell or provide medical services insurance, except a mutual benefit society licensed under *The Insurance Act*; R.S.O. 1960, c. 190

(*c*) "Corporation" means Medical Carriers Incorporated established under this Act;

(*d*) "Council" means the Medical Services Insurance Council established under this Act;

(*e*) "covered person" means a person who is covered by medical services insurance;

(*f*) "dependant" means a resident who is,

(i) the spouse of the head of a family, or

(ii) a child of the head of a family who is dependent for support upon the head of the family and who is under the age of twenty-one years and unmarried;

(*g*) "guaranteed renewable" means the right that is conferred upon the holder of a standard contract, in the

absence of misrepresentation, misuse of services or non-payment of subscription, to continue on the same basis, except for subscription rates, his contract in force from the date of issue until the carrier is no longer licensed under this Act;

(*h*) "head of a family" means the member of a family upon whom the family is principally dependent for maintenance;

(*i*) "licensed carrier" means a carrier licensed under this Act;

(*j*) "medical services insurance" means a contract, agreement, scheme, fund or arrangement whereby a resident is covered for medical, surgical or obstetrical care or services or the cost or a portion thereof when rendered to such resident and to his dependants by or under the direction of a physician, but does not include the limited and incidental insurance against medical and surgical expenses provided in conjunction with motor vehicle liability, accident liability, employer's liability, public liability and workmen's compensation insurance policies;

(*k*) "Minister" means the Minister of Health;

(*l*) "open enrolment period" means the period that is from time to time designated by the Minister as a period during which persons may enrol for standard contracts;

(*m*) "physician" means a legally qualified medical practitioner who is registered as such under a statute governing the practice of medicine in the jurisdiction in which any medical, surgical or obstetrical services are rendered to a resident;

(*n*) "regulations" means the regulations made under this Act;

(*o*) "resident" means an individual who is legally entitled to remain in Canada, who has ordinarily resided in Ontario for a continuous period of at least ninety days immediately preceding the date on which an application for a standard contract is made by him or on his behalf, but does not include a tourist, transient or visitor to Ontario;

(*p*) "standard co-insurance medical services insurance contract" means a contract that is guaranteed renewable and that provides to residents the benefits set forth in Schedule B, and to qualify as such it must be a separate contract and must be designated as such;

(*q*) "standard contract" means a standard co-insurance medical services insurance contract or a standard medical services insurance contract;

(*r*) "standard medical services insurance contract" means a contract that is guaranteed renewable and that provides to residents the benefits set forth in Schedule A, and to qualify as such it must be a separate contract and must be designated as such;

(*s*) "subscription" means the premium, fee or other sum of money payable for a standard contract, and includes all sums of money payable from time to time to maintain the contract in force;

(*t*) "Superintendent" means the Superintendent of Insurance for Ontario.

Minister responsible

2.—(1) The Minister is responsible for the administration of this Act.

Powers

(2) The Minister may,

(*a*) designate open enrolment periods;

(*b*) exempt licensed carriers from the requirement of providing standard medical services insurance contracts; and

(*c*) approve the general form and content of standard contracts.

Medical Services Insurance Council

3.—(1) There shall be a Medical Services Insurance Council, which shall be appointed by the Lieutenant Governor in Council and which shall be composed of nine members, five representative of the public, two representative of the medical profession nominated by the Ontario Medical Association, and two representative of the licensed carriers nominated by the Corporation.

Chairman

(2) The Lieutenant Governor in Council shall designate one of the members of the Council as chairman.

Vacancies

(3) The Lieutenant Governor in Council may fill any vacancies that occur in the membership of the Council, having regard to the balance of representation provided for in subsection 1.

Quorum

(4) A majority of all the members of the Council constitutes a quorum whether or not a vacancy exists on the Council.

Functions, general

(5) The Council shall act as adviser to the Minister in the administration of this Act and shall make recommendations to him upon,

(*a*) the initial and subsequent maximum subscription rates recommended by the Corporation;

(*b*) the designation of open enrolment periods recommended by the Corporation;

(*c*) the general form and content of standard contracts; and

(*d*) any other matter related to this Act.

Idem, complaints

(6) The Council shall deal with complaints relative to this Act, and with all matters referred to it by the Minister or by the Corporation.

Idem, exemptions

(7) The Council shall consider the application of any licensed carrier for exemption from the requirement of providing standard medical services insurance contracts and shall make its recommendation to the Minister, having regard to the grounds prescribed by the regulations.

Idem, additional functions

(8) The Council shall perform such additional functions as are prescribed by the regulations.

Medical Carriers Incorporated

4.—(1) There is hereby established a corporation without share capital under the name of "Medical Carriers Incorporated", whose membership shall be composed of the licensed carriers.

Board of directors

(2) The board of directors of the Corporation shall consist of seven directors appointed as follows: two by the Canadian Health Insurance Association, two by physician-sponsored carriers, one by health insurance co-operatives, one by self-insurers and all other carriers, and the seventh, who shall be chairman, to be appointed by the six first-mentioned directors.

(3) In the event of any of the classes of carriers mentioned in subsection 2 failing to appoint a director within the time provided by the by-laws of the Corporation, the directors who have been appointed shall select and appoint a director representative of and from such class. Failure to appoint director

(4) The chairman shall not be a director, officer, agent, employee or representative of, or be connected directly or indirectly with, any carrier. Qualification of chairman

(5) The Corporation shall, Functions, general

(*a*) recommend to the Council from time to time changes in benefits and maximum subscription rates;

(*b*) recommend to the Council initial and subsequent open enrolment periods and enrolment procedures;

(*c*) pass by-laws governing the qualification, classification and regulation of its members;

(*d*) regulate and deal with any matter relating to its administrative or technical operations;

(*e*) act as a central depositary of statistical information required and received from its members relative to the operation of standard contracts;

(*f*) advise on, deal with or carry out any matter referred to it by the Council;

(*g*) designate the licensed carriers, other than those exempt under clause *b* of subsection 2 of section 2, that shall offer standard co-insurance medical services insurance contracts.

(6) The Corporation shall establish and administer a system for the pooling of standard contracts and may upon application therefor exempt a licensed carrier from the pooling requirements. Idem, pooling system

(7) The powers of the Corporation shall be exercised by its board of directors. Idem

(8) The members of the Corporation shall be assessed annually for the moneys required for its operations. Annual assessment

(9) The proportion of any assessment for the administrative expenses of its operations, adjusted for profits or losses in Determination of assessment

pooling arrangements, to be levied in any year and to be borne by each member, shall be determined in an equitable manner by its board of directors and confirmed by at least two-thirds of the votes cast by the members present in person or represented by proxy and entitled to vote at any annual or general meeting of the members.

Voting of members

(10) In any meeting of the members of the Corporation in any or all matters for decision of the members, the number of votes to be cast by or on behalf of any member shall be based upon the proportion of the number of persons between the ages of twenty-one years and sixty-five years covered in Ontario by the member under contracts of all forms of medical services insurance in relation to the total number of such persons so covered in Ontario by all members, and the by-laws of the Corporation may provide the necessary rules with respect thereto, but, on the request of any member present, a two-thirds majority vote shall be required to pass any motion.

Procedure where assessment not confirmed

(11) If the members fail to confirm an assessment or if two or more members give notice to the board of directors that they question the equity of an assessment and the matter cannot be resolved by the board of directors, the matter shall be referred for decision to a board of three arbitrators, one to be named by the Corporation, one to be named by the Superintendent, and a chairman to be named by a judge of the Supreme Court upon application of the other two arbitrators.

Powers of arbitrators R.S.O. 1960, c. 18

(12) The arbitrators have all the powers of arbitrators under *The Arbitrations Act* and may at any time and from time to time proceed in such manner as they think fit on such notice as they consider reasonable.

Award

(13) The award of the arbitrators or of a majority of them shall be made within thirty days of the referral of the matter to them, and such award is final and binding.

Reports, etc., to Council

(14) The Corporation shall furnish copies of the minutes of the meetings of its members and of its board of directors to the Council and, in addition, such reports and information as the Council may require from time to time.

Availability of standard medical services insurance contracts

5.—(1) Standard medical services insurance contracts shall be made available to residents and their dependants without regard to age, physical or mental infirmity, financial means, or occupation, by every licensed carrier that is not exempt under clause *b* of subsection 2 of section 2.

Availability of standard co-insurance medical services insurance contracts

(2) Standard co-insurance medical services insurance contracts shall be made available to residents and their dependants without regard to age, physical or mental infirmity,

financial means, or occupation, by every licensed carrier that is not exempt under clause *b* of subsection 2 of section 2 and that is designated under clause *g* of subsection 5 of section 4.

Idem, through Minister

6.—(1) The Minister shall, in accordance with the regulations,

(*a*) provide standard medical services insurance contracts for persons of such classes as are designated by the regulations who qualify for total subsidy assistance and who apply therefor; and

(*b*) provide standard medical services insurance contracts for persons of such classes as are designated by the regulations.

Idem, through Minister

(2) The Minister shall provide standard contracts upon such terms and conditions as to contributions as the regulations provide for persons of such classes, other than those mentioned in subsection 1, as are designated by the regulations and who apply therefor.

Source of contracts

(3) The Minister shall provide the contracts mentioned in subsections 1 and 2, through the Medical Services Insurance Division of the Department of Health.

Status of M.S.I.D.

(4) The Medical Services Insurance Division mentioned in subsection 3 shall be deemed to be a licensed carrier, but is excluded from membership in the Corporation and exempted from participation in the pooling requirements of the Corporation.

Assistance in paying premiums

7.—(1) Any person who is unable to continue payment of his medical services insurance subscriptions, because of a lack of income due to unemployment, illness or disability, may within the first thirty days of such default make application to the Council for assistance, during the period of unemployment, illness or disability, to continue his medical services insurance contract or towards the purchase of a standard contract.

Consideration of applications

(2) The Council shall consider applications made under subsection 1 and shall make recommendations to the Minister in accordance with the regulations.

Licence

8.—(1) In order to carry on business, a carrier must have a licence under this Act.

Additional requirement

(2) A licensed carrier that is required to provide standard medical services insurance contracts must also be licensed as an insurer under *The Insurance Act* or be registered as an association under *The Prepaid Hospital and Medical Services Act*.

R.S.O. 1960, cc. 190, 304

Application for licence

(3) An application for a licence under this Act shall be made on a form supplied by the Superintendent, who may grant or refuse to grant the licence.

Appeal from a refusal to grant a licence

(4) Where the Superintendent refuses to grant a licence under this Act, the applicant may appeal to the Council, and thereupon the Council shall hold a hearing and notify the Superintendent and the applicant of its decision, and the Superintendent shall act in accordance therewith.

What contracts licensed carriers to sell

9.—(1) Licensed carriers, unless exempt under clause *b* of subsection 2 of section 2, shall offer for sale and issue standard medical services insurance contracts and may offer for sale and issue standard co-insurance medical services insurance contracts to persons who are eligible and who apply and pay the subscription therefor.

Application for exemption

(2) An application by a licensed carrier for exemption from the requirement of providing standard medical services insurance contracts shall be made to the Council on a form supplied by it.

Limited areas of operation

(3) Notwithstanding subsection 1, a licensed carrier that in the normal course of its business offers for sale and issues medical services insurance only to its own members or to the residents of a particular locality or district may restrict its offer to sell or provide standard contracts to its own members or to the residents of such locality or district.

Suspension or cancellation of licences

10.—(1) The Superintendent may suspend or cancel the licence under this Act of a carrier if it is not operating in the public interest or if it contravenes any provision of this Act.

Appeal

(2) Any carrier whose licence under this Act is suspended or cancelled by the Superintendent under subsection 1 may appeal to a judge of the Supreme Court, who upon cause shown may make an order directing the Superintendent to remove the suspension or withdraw the cancellation, as the case may be, or may make such other order as he deems proper.

Penalty where no licence

11. Every carrier that carries on business without a licence under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $100 for each day upon which it so carries on.

Penalty for failure to sell standard contract

12. Every licensed carrier, unless exempt under clause *b* of subsection 2 of section 2, that fails or refuses to sell a standard contract to any resident when requested to do so in accordance with this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $500.

13. The subscription for a standard contract shall not exceed the applicable maximum subscription in effect at the date of the application for the contract or its renewal. Subscription

14.—(1) Every resident who is not a dependant or, where such a resident is the head of a family and has not applied for a standard contract, his dependent spouse is entitled to have a standard contract issued to him if the application therefor is made and if the subscription therefor is paid during an open enrolment period, and the effective date of such a contract shall be the first day of the month following the closing date of the open enrolment period. Applications during open enrolment period

(2) Every dependent who becomes twenty-one years of age, and every person who qualifies as a resident after the expiration of an open enrolment period, is entitled to apply for a standard contract if the application therefor is made and the subscription therefor is paid within thirty days following the day upon which he so qualifies, and the effective date of such a contract shall be the first day of the month following the date of application and payment of subscription. Application and qualification after open enrolment period

(3) A standard contract issued under this section, No waiting period

(*a*) shall not provide any waiting period or any limitation of benefits with respect to any pre-existing physical or mental infirmity or condition, save for the exceptions prescribed by the regulations; and

(*b*) shall provide an eight months waiting period and limitation of benefits with respect to pregnancy, or resulting childbirth or miscarriage, save for such exceptions as are prescribed by the regulations.

15.—(1) Where a resident who is not a dependant or his dependent spouse ceases to be covered after the expiration of an open enrolment period under a group medical services insurance contract, and, Transfers from group contracts to standard contracts

(*a*) where the carrier of the previous insurance is a licensed carrier selling insurance to the public and is not exempt under clause *b* of subsection 2 of section 2, such carrier shall make a standard medical services insurance contract available to such person or, where the carrier is designated under clause *g* of subsection 5 of section 4, shall make available a standard co-insurance medical services insurance contract to such person, which contract shall become effective as of the date of termination of the previous insurance, provided application is made and the subscription is paid within thirty days of such date of termination; or Idem

Idem

(*b*) where the carrier of the previous insurance is a licensed carrier as described in subsection 3 of section 9 and is not exempt under clause *b* of subsection 2 of section 2, such carrier shall make a standard medical services insurance contract available to such person or, where the carrier is designated under clause *g* of subsection 5 of section 4, shall make available a standard co-insurance medical services insurance contract, which contract shall become effective as of the date of termination of the previous insurance, provided application is made and the subscription is paid within thirty days of such date of termination; or

Extension of group coverage

(*c*) where the carrier of the group medical services insurance contract is exempt under clause *b* of subsection 2 of section 2, such carrier shall, upon the request of the covered person given within thirty days of the date of termination of the contract, extend the coverage of the group medical services insurance contract until an open enrolment period occurs.

Waiting periods upon transference

(2) All waiting periods and limitation of benefits under a standard contract issued by the licensed carrier of the previous insurance pursuant to this section shall be calculated from the effective date of coverage of the covered person under the previous insurance.

Applications after open enrolment period

16.—(1) Where the application of a person entitled to apply under section 14 or 15 is not made and the subscription therefor is not paid within the period mentioned therein, such person may apply for a standard contract at any time, and, upon payment of the subscription, a contract shall be issued to such person, which shall become effective three months following the date of such application and payment.

Waiting period

(2) A standard contract issued under subsection 1 shall provide that no benefit will accrue for medical, surgical or obstetrical care or services rendered to a covered person during the five months immediately following the effective date of the contract if the costs of such service arise from pregnancy or resulting childbirth or miscarriage or conditions that result directly or indirectly therefrom, except such conditions as are prescribed by the regulations.

Reasons for cancellation of standard contract by carrier

17.—(1) Except as provided in section 21, a standard contract may be cancelled by a licensed carrier only,

(*a*) for misrepresentation or fraud as to a material fact;

(*b*) for non-payment of the subscription;

(*c*) where the covered person ceases to be a resident, in which event coverage terminates ninety days after the date of ceasing to be a resident; or

(*d*) for misuse of services for which benefits are provided.

Right of appeal to Council

(2) A covered person whose standard contract is cancelled under clause *a*, *c* or *d* of subsection 1 may appeal to the Council as provided in the regulations, and, where an appeal is taken, the cancellation is not effective until the Council has given its decision.

Carrier to advise as to right of appeal

(3) In the notice of cancellation, the carrier shall advise the covered person of his right to appeal the cancellation to the Council.

Maximum subscription rates

18.—(1) No licensed carrier shall charge a subscription rate under a standard contract in excess of the applicable maximum subscription rate prescribed by the regulations.

Idem, first two years

(2) For the period of two years after the day on which this Act comes into force, the prescribed maximum subscription rates for a standard contract shall remain constant and shall be on the basis of one rate for an individual, one rate for a family of two, and one rate for a family of three or more.

Adjustment of maximum subscription rates after two-year period

(3) After the period mentioned in subsection 2, the Corporation may not more often than once in any twelve-month period recommend an adjustment of the maximum subscription rates.

Notice of change in maximum subscription rates

(4) The Corporation shall give its members at least ninety days notice in writing before any change in the maximum subscription rates becomes effective.

Adjustment of subscription rates

19.—(1) Any licensed carrier may from time to time, but not more often than once in any twelve-month period, adjust its subscription rates in respect of standard contracts in accordance with its normal business practice, but any such adjustment shall be on a class-risk basis and not on an individual or family basis and shall in no event exceed the maximum subscription rates for the time being in force.

Notice of adjustment of subscription rates

(2) A licensed carrier that has adjusted its subscription rates under subsection 1 shall notify its holders of standard contracts of such adjustment in the manner designated by the regulations.

O.M.A. schedule of fees

20.—(1) Subject to subsection 2, the benefits under a standard contract during the period of two years after the day

on which this Act comes into force shall be the Ontario Medical Association's schedule of fees in effect on the day on which this Act comes into force, and thereafter shall be the schedule of fees of that Association in effect from time to time.

Amount of benefits

(2) The amount of the benefits referred to in subsection 1 shall be the fees set forth in the Ontario Medical Association's schedule of fees for practice in general, including the referral of a covered person by his physician to another physician, except,

(*a*) where there is a referral of the covered person to a certified specialist by another physician; or

(*b*) where there is no fee set forth in the Ontario Medical Association's schedule of fees for practice in general,

and in the cases mentioned in clauses *a* and *b* the Ontario Medical Association's schedule of fees for certified specialists applies.

Interpretation

(3) In this section, "certified specialist" and "referral" have the meanings given them by the regulations.

Cancellation of contracts where carrier going out of business

21.—(1) Any licensed carrier may, upon giving sixty days notice in writing to the Superintendent, the Council, the Corporation and the covered person in the manner prescribed in the contract, cancel all but not part of its medical services insurance contracts, other than those contracts which by their terms are either non-cancellable or guaranteed renewable.

Carrier to renew or to reinsure non-cancellable or guaranteed renewable contracts

(2) Any licensed carrier that has in force, in addition to standard contracts, medical services insurance contracts that by their terms are either non-cancellable or guaranteed renewable shall not cancel such medical services insurance contracts under subsection 1, but shall renew such contracts according to their tenor, unless the licensed carrier has fully re-insured the liability under such medical services insurance contracts with an insurer licensed under *The Insurance Act*.

R.S.O. 1960, c. 190

Cancellation of licence

(3) Upon the expiry of the period of sixty days mentioned in subsection 1, the licence issued to the carrier under this Act is cancelled.

Rights to other insurance

(4) Any licensed carrier that cancels its medical services insurance contracts under subsection 1 or that cancels a medical services insurance contract for any reason other than those specified in section 17 shall, in the notice of cancellation given thereunder, state that the covered persons may, within a period of sixty days from the date of the notice, make application to any other licensed carrier for a standard contract,

and such other licensed carrier, unless exempt under clause *b* of subsection 2 of section 2, shall, upon receipt of the application and the subscription therefor, issue a standard contract, and the waiting period and limitation of benefits with respect thereto shall be calculated from the effective date of coverage of the covered person under the prior medical services insurance contract.

Carrier's liability

(5) Notwithstanding anything in this Act, any licensed carrier that cancels its medical services insurance contracts under subsection 1 remains, subject to receipt of proper notice and proof of claim within the times prescribed in the contract, liable to the date of cancellation for all benefits to which a covered person is entitled under the contract to the date of cancellation, and the licensed carrier shall refund on a *pro rata* basis any unearned subscription.

Coverage under more than one contract

22. Every standard contract shall provide that, where a covered person makes a claim and at the time the claim arose he had in force any other contract providing benefits for medical expenses that were covered by the standard contract, the amount of benefits under the standard contract will be reduced by the amounts of benefits payable under such other contract.

Coverage under standard contract and by statute

23. Where a person is covered by a standard contract and received or is to be compensated for medical or surgical care or services under any enactment of this Legislature or any other jurisdiction, he is not entitled to benefit under such standard contract to the extent that he received or is to be compensated for such care or services under such enactment.

Subrogation of licensed carrier

24. A licensed carrier is subrogated to any right of a covered person to receive from any other person the benefits paid by the licensed carrier, and such licensed carrier may bring an action in the name of the covered person to enforce any such right.

Non-interference with selection of physicians

25. No licensed carrier shall, under a standard contract, interfere with the right of a covered person to choose his own physician or impose an obligation upon a physician to treat any covered person.

Conflict

26. In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails.

Moneys for purposes of Act

27. The moneys required for the purposes of this Act during the fiscal year 1965-66 shall be paid out of the Consolidated Revenue Fund, and thereafter such moneys shall be paid out of the moneys that are appropriated by the Legislature for the purposes of this Act.

Regulations

28. The Lieutenant Governor in Council may make regulations,

(*a*) prescribing the grounds upon which the Council may recommend exemptions from the requirements of providing standard medical services insurance contracts;

(*b*) prescribing additional functions of the Council;

(*c*) designating the classes of persons mentioned in section 6 and regulating the provision by the Minister of standard medical services insurance contracts for persons of the relevant designated classes and regulating the contribution of the Minister to standard contracts for persons of the relevant designated classes;

(*d*) respecting recommendations to the Minister by the Council under subsection 2 of section 7;

(*e*) prescribing the exceptions referred to in subsection 3 of section 14;

(*f*) prescribing the conditions referred to in subsection 2 of section 16;

(*g*) respecting the appeal provided in subsection 2 of section 17;

(*h*) prescribing maximum subscription rates;

(*i*) prescribing the manner in which the notice referred to in subsection 2 of section 19 shall be given;

(*j*) defining the terms "certified specialist" and "referral" as used in subsection 3 of section 20;

(*k*) prescribing limitations on benefits under standard contracts;

(*l*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commencement

29. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

30. This Act may be cited as *The Medical Services Insurance Act, 1965*.

SCHEDULE A

STANDARD MEDICAL SERVICES INSURANCE CONTRACT

The benefits provided by this Standard Medical Services Insurance Contract to a covered person shall be the payment for necessary personal professional services of a physician, wherever rendered, or the performance of such services, as the case may be, unless limited or excepted under this Act or under this Schedule.

Limitations as prescribed by the regulations:

1. Annual health examinations.
2. Well-baby care.
3. Psychotherapy.

Exceptions:

1. (*a*) Services that a covered person is entitled to receive under *The Workmen's Compensation Act* or similar legislation in any other jurisdiction.

   (*b*) Services that a covered person receives under any Act of this Legislature or under any enactment of any other jurisdiction.

   (*c*) Services for which no charge would be made in the absence of insurance.

2. (*a*) Laboratory and other diagnostic procedures rendered as hospital services to the extent that these are provided for under the plan of hospital care insurance under *The Hospital Services Commission Act*, and laboratory services and clinical pathology other than those authorized or ordered by a physician, billed by a physician, and performed under the direction of a physician, subject to any limitations imposed by the regulations.

   (*b*) Dental care for dental purposes, including X-ray and anaesthetist services; nursing services; ambulance services; dressings and cast materials; use of operating, plaster or fracture rooms; drugs, vaccines, biological sera or extracts or their synthetic substitutes; eye glasses; special appliances; oxygen; physical therapy and other similar treatments.

3. Physician's services rendered to a covered person where the physician is paid to provide the services.

4. Services with respect to conditions that, in the opinion of a physician, are not detrimental to the health of a covered person, including services for cosmetic purposes only.

5. Expenses for travelling time or mileage.

6. Advice by telephone.

7. (*a*) Any services or examinations for the purpose of,

   (i) an application for insurance or under a requirement for keeping insurance in force,

   (ii) an application for admission to or continuance at or in a school, college, university, camp or an association,

(iii) employment, or the continuance of employment, or pursuant to the request of an employer or other person in authority,

(iv) a passport, visa or other similar document.

(*b*) Any similar examinations other than for the health of the person covered.

8. Group inoculation or inoculations pursuant to a statute or by-law or regulation thereunder.

9. Examination of the eyes by refraction.

10. Services rendered by a physician pursuant to an arrangement for rendering services to the employees of an employer or to members of an association.

SCHEDULE B

STANDARD CO-INSURANCE MEDICAL SERVICES INSURANCE CONTRACT

The benefits provided by this Standard Co-insurance Medical Services Insurance Contract to a covered person shall be the payment of 80% of the benefits provided in Schedule A of the excess over $25 (deductible) per covered person, or $50 (deductible) per family, in any calendar year for the necessary personal professional services of a physician, wherever rendered, or the performance of such services, as the case may be, unless limited or excepted under this Act or under Schedule A.

1st Reading

May 11th, 1965

2nd Reading

June 1st, 1965

3rd Reading

June 21st, 1965

MR. DYMOND

BILL 137

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Municipality of Metropolitan Toronto Act

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The amendment is to make it clear that the Metropolitan Corporation is a municipality for the purposes of *The Expropriation Procedures Act, 1962-63.*

Section 2. In the 1962-63 amendments to *The Municipal Act*, clauses *h* and *i* of paragraph 59 of section 377 of *The Municipal Act* were repealed and a new section inserted as 248*c*, which dealt with the same subject-matter, namely, the transfer of pension benefits when an employee transfers from the Civil Service of Ontario or Canada and the Civic Service of a municipality.

Subsection 1 of section 24, which formerly referred to the provisions now contained in section 248*c* of *The Municipal Act*, is amended to refer specifically to such section.

Section 3. Under section 116, the Toronto Transit Commission is authorized to carry on its operation in the Metropolitan Area, which, by clause *i* of section 1, is defined as the area included within the municipalities forming Metropolitan Toronto. Where boundaries of these municipalities are roads, the boundary line is the middle of the roads. Thus, where Steeles Avenue forms a boundary of the Township of North York, the Metropolitan Area would extend only to the centre line of Steeles Avenue.

The Toronto Transit Commission has authority to operate buses on the south side of Steeles Avenue but it would appear has no such authority on the north side. The amendment will give the Commission authority to operate buses on both sides of Steeles Avenue.

Section 4. This is to extend the tax exemption which was applied to the Bloor-Danforth-University Avenue Subway to any rapid transit project which may be undertaken subsequent to the undertaking of the Bloor-Danforth-University Avenue Subway.

BILL 137 **1965**

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 260, s. 2, amended

(4) The Metropolitan Corporation shall be deemed to be a municipality as defined in *The Department of Municipal Affairs Act* for the purposes of *The Expropriation Procedures Act, 1962-63*. Deemed municipality under R.S.O. 1960, c. 98; 1962-63, c. 43

2. Subsection 1 of section 24 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "section 240" in the second line and inserting in lieu thereof "sections 240 and 248*c*", so that the subsection shall read as follows: R.S.O. 1960, c. 260, s. 24, subs. 1, amended

(1) Sections 217, 234 and 236, subsections 4 and 5 of section 238, sections 240 and 248*c* and paragraphs 59, 60 and 61 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation. Application of R.S.O. 1960, c. 249

3. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960, c. 260, amended

117*a*. In clauses *a* and *b* of subsection 1 of section 116 and in subsection 1 of section 118, "Metropolitan Area" shall be deemed to include the whole of Steeles Avenue where it is a boundary of an area municipality. Interpretation

4. Subsection 1 and subsection 2, as amended by section 3 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, of section 123 of *The Municipality of Metropolitan Toronto Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 123, subss. 1, 2, re-enacted

Tax exemption re Bloor-Danforth-University Avenue Subway and subsequent rapid transit projects

(1) So long as the lands and easements heretofore or hereafter acquired by the Metropolitan Corporation for the right of way of the extension to the rapid transit system of the Commission known as the Bloor-Danforth-University Avenue Subway or for the right of way of any other rapid transit project undertaken subsequent to the undertaking of the Bloor-Danforth-University Avenue Subway are owned by the Metropolitan Corporation and used by the Commission for the purpose of rapid transit, such lands and easements and any buildings and structures thereon so owned and used are exempt from business and real property taxation, and the Commission is not liable for payments in lieu thereof under section 43 of *The Assessment Act*.

R.S.O. 1960, c. 23

Application

(2) Subsection 1 does not apply to lands and buildings and structures thereon used as car yards or shops for or in connection with such Subway or rapid transit project nor to concessions operated, rented or leased in subway or rapid transit stations.

R.S.O. 1960, c. 260, s. 139, subs. 2, amended

5. Subsection 2 of section 139 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "and" at the end of clause *e*, by adding "and" at the end of clause *f* and by adding thereto the following clause:

(*g*) municipal inspectorates.

R.S.O. 1960, c. 260, amended

6. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Liability under order made under R.S.C. 1952, c. 160

164*a*. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the Metropolitan Corporation, and the sums of money required to be paid under such order shall be paid by the Metropolitan Corporation and not by the area municipality.

R.S.O. 1960, c. 260, s. 237, amended

7. Section 237 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Interest on proceeds transferred

(2*a*) The Metropolitan Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

R.S.O. 1960, c. 260, amended

8. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

SECTION 5. The amendments provide that the legislative grant for municipal inspectorates is to be paid directly to the boards of education in the Metropolitan Area.

SECTION 6. Under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada), the court may order the municipality to which the juvenile delinquent belongs to contribute such sum as the court may determine for the child's support. While neglected children committed to an institution under *The Child Welfare Act* are, under the provisions of section 164 of *The Municipality of Metropolitan Toronto Act*, the responsibility of the Metropolitan Corporation, no similar provision has been made in respect of children under the *Juvenile Delinquents Act* (Canada).

The new section makes the Metropolitan Corporation responsible for payments under orders made under the *Juvenile Delinquents Act* (Canada) instead of the area municipalities.

SECTION 7. This is to permit the Metropolitan Corporation to charge interest on advances made to an area municipality or to a board of education pending the sale of debentures issued for the purposes of such area municipality or board of education.

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SECTION 9. Self-explanatory.

258*a*. The Metropolitan Corporation may assume the whole or any part of the capital and operating costs of the fire boat and the marine fire boat station of the City of Toronto. Assumption of costs of fire boat

9. The Metropolitan Council may make the following grants: Grants

1. $15,500 to the Pentecostal Benevolent Association of Ontario toward the cost of the Bethel Home for Unwed Mothers.

2. $325,500 payable over a term of five years, commencing in the year 1965, to the Jewish Home for the Aged toward the cost of constructing the Home.

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4. $12,000 to the Metropolitan Toronto Convention and Visitor Association toward the cost of the production of a film on Metropolitan Toronto.

10.—(1) This Act, except sections 1, 5 and 7, comes into force on the day it receives Royal Assent. Commencement

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1964. Idem

(3) Sections 5 and 7 shall be deemed to have come into force on the 1st day of January, 1965. Idem

11. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1965*. Short title

1st Reading

May 11th, 1965

2nd Reading

3rd Reading

MR. SPOONER

1965

BILL 137

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Municipality of Metropolitan Toronto Act

MR. SPOONER

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The amendment is to make it clear that the Metropolitan Corporation is a municipality for the purposes of *The Expropriation Procedures Act, 1962-63.*

Section 2. In the 1962-63 amendments to *The Municipal Act*, clauses *h* and *i* of paragraph 59 of section 377 of *The Municipal Act* were repealed and a new section inserted as 248*c*, which dealt with the same subject-matter, namely, the transfer of pension benefits when an employee transfers from the Civil Service of Ontario or Canada and the Civic Service of a municipality.

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BILL 137 **1965**

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117*a*. In clauses *a* and *b* of subsection 1 of section 116 and in subsection 1 of section 118, "Metropolitan Area" shall be deemed to include the whole of Steeles Avenue where it is a boundary of an area municipality. Interpretation

4. Subsection 1 and subsection 2, as amended by section 3 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, of section 123 of *The Municipality of Metropolitan Toronto Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 123, subss. 1, 2, re-enacted

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R.S.O. 1960, c. 23

Application

(2) Subsection 1 does not apply to lands and buildings and structures thereon used as car yards or shops for or in connection with such Subway or rapid transit project nor to concessions operated, rented or leased in subway or rapid transit stations.

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5. Subsection 2 of section 139 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "and" at the end of clause *e*, by adding "and" at the end of clause *f* and by adding thereto the following clause:

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Liability under order made under R.S.C. 1952, c. 160

164*a*. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the Metropolitan Corporation, and the sums of money required to be paid under such order shall be paid by the Metropolitan Corporation and not by the area municipality.

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7. Section 237 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Interest on proceeds transferred

(2*a*) The Metropolitan Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

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10.—(1) This Act, except sections 1, 5 and 7, comes into force on the day it receives Royal Assent. Commencement

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1964. Idem

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1st Reading

May 11th, 1965

2nd Reading

May 20th, 1965

3rd Reading

MR. SPOONER

(*Reprinted as amended by the Committee of the Whole House*)

1965

BILL 137

3rd Session, 27th Legislature, Ontario
13-14 Elizabeth II, 1965

An Act to amend The Municipality of Metropolitan Toronto Act

Mr. Spooner

TORONTO
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5. $50,000 to the Sisters of St. Joseph towards the cost of operating Providence Villa Home for the Aged.

10.—(1) This Act, except sections 1, 5 and 7, comes into force on the day it receives Royal Assent. Commencement

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1964. Idem

(3) Sections 5 and 7 shall be deemed to have come into force on the 1st day of January, 1965. Idem

11. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1965*. Short title

1st Reading

May 11th, 1965

2nd Reading

May 20th, 1965

3rd Reading

June 21st, 1965

MR. SPOONER

BILL 138

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Meat Inspection Act (Ontario), 1962-63

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The Bill places the administration of *The Meat Inspection Act* (*Ontario*), *1962-63* under the Director of the Veterinary Services Branch of the Department of Agriculture.

The Bill also provides for regulation of the manner in which animals are slaughtered and enlarges the authority to make regulations.

BILL 138 **1965**

An Act to amend The Meat Inspection Act (Ontario), 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Meat Inspection Act (Ontario), 1962-63* is repealed and the following substituted therefor: 1962-63, c. 78, s. 1, cl. *b*, re-enacted

(*b*) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture.

2. Section 2 of *The Meat Inspection Act (Ontario), 1962-63* is amended by adding thereto the following subsection: 1962-63, c. 78, s. 2, amended

(1*a*) No person shall slaughter an animal, except in the manner and by the devices prescribed by the regulations. Idem

3.—(1) Subsection 1 of section 3 of *The Meat Inspection Act (Ontario), 1962-63* is amended by striking out "Commissioner" in the third line and inserting in lieu thereof "Director". 1962-63, c. 78, s. 3, subs. 1, amended

(2) Subsection 2 of the said section 3 is amended by striking out "Commissioner" in the first line and inserting in lieu thereof "Director". 1962-63, c. 78, s. 3, subs. 2, amended

(3) Subsection 3 of the said section 3 is amended by striking out "Commissioner" in the first line and in the third line and inserting in lieu thereof in each instance "Director". 1962-63, c. 78, s. 3, subs. 3, amended

4. Subsection 3 of section 4 of *The Meat Inspection Act (Ontario), 1962-63* is amended by striking out "Commissioner" in the second line and inserting in lieu thereof "Director". 1962-63, c. 78, s. 4, subs. 3, amended

5. Section 5 of *The Meat Inspection Act (Ontario), 1962-63* is amended by striking out "Commissioner" in the first line and inserting in lieu thereof "Director". 1962-63, c. 78, s. 5, amended

1962-63, c. 78, s. 10, cl. *c*, amended

6.—(1) Clause *c* of section 10 of *The Meat Inspection Act (Ontario), 1962-63* is amended by striking out "Commissioner" in the first and second lines and inserting in lieu thereof "Director".

1962-63, c. 78, s. 10, amended

(2) The said section 10 is amended by adding thereto the following clauses:

(*fa*) prescribing the manner of, and the devices to be used in, the slaughter of animals;

(*fb*) respecting the transportation and delivery of meat from a plant.

Commencement

7.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Meat Inspection Amendment Act (Ontario), 1965*.

1st Reading

May 12th, 1965

2nd Reading

3rd Reading

MR. STEWART

1965

BILL 138

3rd Session, 27th Legislature, Ontario
13-14 Elizabeth II, 1965

An Act to amend The Meat Inspection Act (Ontario), 1962-63

Mr. Stewart

TORONTO
Printed and Published by Frank Fogg, Queen's Printer

BILL 138 **1965**

An Act to amend The Meat Inspection Act (Ontario), 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Meat Inspection Act (Ontario), 1962-63* is repealed and the following substituted therefor: 1962-63, c. 78, s. 1, cl. *b*, re-enacted

(*b*) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture.

2. Section 2 of *The Meat Inspection Act (Ontario), 1962-63* is amended by adding thereto the following subsection: 1962-63, c. 78, s. 2, amended

(1*a*) No person shall slaughter an animal, except in the manner and by the devices prescribed by the regulations. Idem

3.—(1) Subsection 1 of section 3 of *The Meat Inspection Act (Ontario), 1962-63* is amended by striking out "Commissioner" in the third line and inserting in lieu thereof "Director". 1962-63, c. 78, s. 3, subs. 1, amended

(2) Subsection 2 of the said section 3 is amended by striking out "Commissioner" in the first line and inserting in lieu thereof "Director". 1962-63, c. 78, s. 3, subs. 2, amended

(3) Subsection 3 of the said section 3 is amended by striking out "Commissioner" in the first line and in the third line and inserting in lieu thereof in each instance "Director". 1962-63, c. 78, s. 3, subs. 3, amended

4. Subsection 3 of section 4 of *The Meat Inspection Act (Ontario), 1962-63* is amended by striking out "Commissioner" in the second line and inserting in lieu thereof "Director". 1962-63, c. 78, s. 4, subs. 3, amended

5. Section 5 of *The Meat Inspection Act (Ontario), 1962-63* is amended by striking out "Commissioner" in the first line and inserting in lieu thereof "Director". 1962-63, c. 78, s. 5, amended

1962-63, c. 78, s. 10, cl. *c*, amended

6.—(1) Clause *c* of section 10 of *The Meat Inspection Act* (*Ontario*), *1962-63* is amended by striking out "Commissioner" in the first and second lines and inserting in lieu thereof "Director".

1962-63, c. 78, s. 10, amended

(2) The said section 10 is amended by adding thereto the following clauses:

(*fa*) prescribing the manner of, and the devices to be used in, the slaughter of animals;

(*fb*) respecting the transportation and delivery of meat from a plant.

Commencement

7.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Meat Inspection Amendment Act* (*Ontario*), *1965*.

1st Reading

May 12th, 1965

2nd Reading

May 21st, 1965

3rd Reading

June 21st, 1965

MR. STEWART

BILL 139

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Seed Potatoes Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Bill places the administration of *The Seed Potatoes Act* under the Director of the Farm Products Inspection Service of the Department of Agriculture.

BILL 139 **1965**

An Act to amend The Seed Potatoes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Seed Potatoes Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 367, s. 1, cl. *b*, re-enacted

(*b*) "Director" means the Director of the Farm Products Inspection Service of the Department of Agriculture.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Seed Potatoes Amendment Act, 1965*. Short title

1st Reading

May 12th, 1965

2nd Reading

3rd Reading

MR. STEWART

1965

BILL 139

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Seed Potatoes Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 139 **1965**

An Act to amend The Seed Potatoes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Seed Potatoes Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 367, s. 1, cl. *b*, re-enacted

(*b*) "Director" means the Director of the Farm Products Inspection Service of the Department of Agriculture.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Seed Potatoes Amendment Act, 1965*. Short title

1st Reading

May 12th, 1965

2nd Reading

May 21st, 1965

3rd Reading

June 21st, 1965

MR. STEWART

BILL 140

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Farm Products Marketing Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The amendments provide for a vice-chairman and establish a quorum for the Board.

Section 2. Self-explanatory.

Section 3. The provision repealed authorizes regulations for appeals from decisions of the Board and local boards. The provision is unnecessary in view of section 4 of this Bill.

Section 4. The new section 10*a* provides the procedures for appeals from decisions of the Board or local boards.

BILL 140 **1965**

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 3 of *The Farm Products Marketing Act* is amended by inserting after "chairman" in the second line "and one of the members of the Board to act as vice-chairman", so that the subsection shall read as follows: R.S.O. 1960, c. 137, s. 3, subs. 3, amended

(3) The Lieutenant Governor in Council may appoint one of the members of the Board to act as chairman and one of the members of the Board to act as vice-chairman. Chairman; vice-chairman

(2) The said section 3 is amended by adding thereto the following subsection: R.S.O. 1960, c. 137, s. 3, amended

(4*a*) At any meeting of the Board, a quorum shall consist of at least three members of the Board, one of whom shall be either the chairman or the vice-chairman. Quorum

2. Section 4 of *The Farm Products Marketing Act*, as amended by section 3 of *The Farm Products Marketing Amendment Act, 1962-63*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 137, s. 4, amended

(6) No member of the Board or of a local board and no officer, clerk or employee of the Board or of a local board is personally liable for anything done by it or by him in good faith under the authority, or purporting to be under the authority, of this Act. Protection of board members and employees

3. Paragraph 5 of subsection 1 of section 8 of *The Farm Products Marketing Act* is repealed. R.S.O. 1960, c. 137, s. 8, subs. 1, par. 5, repealed

4. *The Farm Products Marketing Act* is amended by adding thereto the following section: R.S.O. 1960, c. 137, amended

Appeal to local board

10*a*.—(1) Where any person deems himself aggrieved by any order, direction or decision of a local board, he may appeal to the local board by serving upon the local board written notice of the appeal.

Appeal to Board

(2) Where any person deems himself aggrieved by,

(*a*) any decision of a local board on an appeal under subsection 1; or

(*b*) any order, direction or regulation made by the Board,

he may appeal to the Board by serving upon the Board written notice of the appeal.

Notice of appeal

(3) Every notice under subsection 1 or 2 shall contain a statement of the matter being appealed and the name and address of the person making the appeal.

Local board to provide material

(4) Upon receipt of a notice under clause *a* of subsection 2, the Board shall forthwith notify the local board, and the local board shall thereupon forthwith provide the Board with all relevant by-laws, orders, directions, regulations, documents and other material, of any kind whatsoever, in its possession.

Notice of hearing

(5) In any appeal under subsection 1 or 2, the Board or the local board, as the case may be, shall, within seven days after the notice referred to in subsection 1 or 2 is received, serve notice upon the person making the appeal of the date, time and place at which the appeal will be heard.

Hearing

(6) The Board or the local board, as the case may be, shall hear and decide any appeal under subsection 1 or 2 within thirty days after the notice of appeal is received, but the Board or the local board may, at the request of the person making the appeal, adjourn the hearing from time to time for such period or periods of time as the Board or the local board deems just.

Right to be heard

(7) At any hearing under this section, the person making the appeal has the right to attend and make representations and to adduce evidence respecting the appeal either by himself or through counsel.

Idem

(8) At any hearing of an appeal under clause *a* of subsection 2, the local board has the right to attend and

make representations and to adduce evidence respecting the appeal either by its officers, or any of them, or through counsel.

Disposition of appeal

(9) Upon an appeal to the Board under clause *a* of subsection 2, the Board may, by order, direct the local board to take such action as the local board is authorized to take under this Act and as the Board deems proper, and for this purpose the Board may substitute its opinion for that of the local board.

Notice of decision

(10) The Board or the local board, as the case may be, shall, within ten days after the hearing is completed, serve notice upon the person making the appeal of its decision.

Substantial compliance

(11) A proceeding that is in substantial compliance with this section is not open to objection on the ground that it is not in strict compliance therewith.

Service of notice

(12) Where a notice is served under this section, it may be served personally or,

(*a*) where the notice is served on the Board or a local board, by mailing the notice to the address of the Board or of the local board, as the case may be, at its usual business address; or

(*b*) where the notice is served on a person making an appeal, by mailing the notice to the address shown in his notice of appeal.

Rehearing

(13) After the Board or a local board has decided an appeal under this section, the Board or local board may reopen the hearing on its own motion and make a new decision, and the procedure for an appeal under this section applies to the rehearing.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Farm Products Marketing Amendment Act, 1965 (No. 2)*.

1st Reading

May 12th, 1965

2nd Reading

3rd Reading

MR. STEWART

1965

BILL 140

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Farm Products Marketing Act

MR. STEWART

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. The amendments provide for a vice-chairman and establish a quorum for the Board.

SECTION 2. Self-explanatory.

SECTION 3. The provision repealed authorizes regulations for appeals from decisions of the Board and local boards. The provision is unnecessary in view of section 4 of this Bill.

SECTION 4. The new section 10*a* provides the procedures for appeals from decisions of the Board or local boards.

BILL 140 **1965**

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 3 of *The Farm Products Marketing Act* is amended by inserting after "chairman" in the second line "and one of the members of the Board to act as vice-chairman", so that the subsection shall read as follows: R.S.O. 1960, c. 137, s. 3, subs. 3, amended

(3) The Lieutenant Governor in Council may appoint one of the members of the Board to act as chairman and one of the members of the Board to act as vice-chairman. Chairman; vice-chairman

(2) The said section 3 is amended by adding thereto the following subsection: R.S.O. 1960, c. 137, s. 3, amended

(4*a*) At any meeting of the Board, a quorum shall consist of at least three members of the Board, one of whom shall be either the chairman or the vice-chairman. Quorum

2. Section 4 of *The Farm Products Marketing Act*, as amended by section 3 of *The Farm Products Marketing Amendment Act, 1962-63*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 137, s. 4, amended

(6) No member of the Board or of a local board and no officer, clerk or employee of the Board or of a local board is personally liable for anything done by it or by him in good faith under the authority, or purporting to be under the authority, of this Act. Protection of board members and employees

3. Paragraph 5 of subsection 1 of section 8 of *The Farm Products Marketing Act* is repealed. R.S.O. 1960, c. 137, s. 8, subs. 1, par. 5, repealed

4. *The Farm Products Marketing Act* is amended by adding thereto the following section: R.S.O. 1960, c. 137, amended

Appeal to local board

10*a*.—(1) Where any person deems himself aggrieved by any order, direction or decision of a local board, he may appeal to the local board by serving upon the local board written notice of the appeal.

Appeal to Board

(2) Where any person deems himself aggrieved by,

(*a*) any decision of a local board on an appeal under subsection 1; or

(*b*) any order, direction or regulation made by the Board,

he may appeal to the Board by serving upon the Board written notice of the appeal.

Notice of appeal

(3) Every notice under subsection 1 or 2 shall contain a statement of the matter being appealed and the name and address of the person making the appeal.

Local board to provide material

(4) Upon receipt of a notice under clause *a* of subsection 2, the Board shall forthwith notify the local board, and the local board shall thereupon forthwith provide the Board with all relevant by-laws, orders, directions, regulations, documents and other material, of any kind whatsoever, in its possession.

Notice of hearing

(5) In any appeal under subsection 1 or 2, the Board or the local board, as the case may be, shall, within seven days after the notice referred to in subsection 1 or 2 is received, serve notice upon the person making the appeal of the date, time and place at which the appeal will be heard.

Hearing

(6) The Board or the local board, as the case may be, shall hear and decide any appeal under subsection 1 or 2 within thirty days after the notice of appeal is received, but the Board or the local board may, at the request of the person making the appeal, adjourn the hearing from time to time for such period or periods of time as the Board or the local board deems just.

Right to be heard

(7) At any hearing under this section, the person making the appeal has the right to attend and make representations and to adduce evidence respecting the appeal either by himself or through counsel.

Idem

(8) At any hearing of an appeal under clause *a* of subsection 2, the local board has the right to attend and

make representations and to adduce evidence respecting the appeal either by its officers, or any of them, or through counsel.

Disposition of appeal

(9) Upon an appeal to the Board under clause *a* of subsection 2, the Board may, by order, direct the local board to take such action as the local board is authorized to take under this Act and as the Board deems proper, and for this purpose the Board may substitute its opinion for that of the local board.

Notice of decision

(10) The Board or the local board, as the case may be, shall, within ten days after the hearing is completed, serve notice upon the person making the appeal of its decision.

Substantial compliance

(11) A proceeding that is in substantial compliance with this section is not open to objection on the ground that it is not in strict compliance therewith.

Service of notice

(12) Where a notice is served under this section, it may be served personally or,

(*a*) where the notice is served on the Board or a local board, by mailing the notice to the address of the Board or of the local board, as the case may be, at its usual business address; or

(*b*) where the notice is served on a person making an appeal, by mailing the notice to the address shown in his notice of appeal.

Rehearing

(13) After the Board or a local board has decided an appeal under this section, the Board or local board may reopen the hearing on its own motion and make a new decision, and the procedure for an appeal under this section applies to the rehearing.

5.—(1) Clause *d* of subsection 2 of section 18 of *The Farm Products Marketing Act*, as enacted by section 11 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 137, s. 18 (1962-63, c. 45, s. 11), subs. 2, cl. *d*, re-enacted

(*d*) providing for the seizing, removing, destroying or otherwise disposing of any growing tobacco plants or tobacco produced or marketed in violation of this Act or the regulations, and the retention or disposition by the local board of any proceeds of the sale thereof.

R.S.O. 1960, c. 137, s. 18 (1962-63, c. 45, s. 11), amended

(2) The said section 18 is amended by adding thereto the following subsection:

Penalty

(5) Notwithstanding section 13, every person who fails to comply with or contravenes any of the provisions of this section or of any regulation, order or direction of the Board or the local board made pursuant to this section is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than $500 and, for a subsequent offence, to a fine of not less than $500 and not more than $5,000.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Farm Products Marketing Amendment Act, 1965 (No. 2)*.

1st Reading

May 12th, 1965

2nd Reading

May 21st, 1965

3rd Reading

MR. STEWART

(Reprinted as amended by the Committee of the Whole House)

1965

BILL 140

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Farm Products Marketing Act

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 140 **1965**

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 3 of *The Farm Products Marketing Act* is amended by inserting after "chairman" in the second line "and one of the members of the Board to act as vice-chairman", so that the subsection shall read as follows: R.S.O. 1960, c. 137, s. 3, subs. 3, amended

(3) The Lieutenant Governor in Council may appoint one of the members of the Board to act as chairman and one of the members of the Board to act as vice-chairman. Chairman; vice-chairman

(2) The said section 3 is amended by adding thereto the following subsection: R.S.O. 1960, c. 137, s. 3, amended

(4*a*) At any meeting of the Board, a quorum shall consist of at least three members of the Board, one of whom shall be either the chairman or the vice-chairman. Quorum

2. Section 4 of *The Farm Products Marketing Act*, as amended by section 3 of *The Farm Products Marketing Amendment Act, 1962-63*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 137, s. 4, amended

(6) No member of the Board or of a local board and no officer, clerk or employee of the Board or of a local board is personally liable for anything done by it or by him in good faith under the authority, or purporting to be under the authority, of this Act. Protection of board members and employees

3. Paragraph 5 of subsection 1 of section 8 of *The Farm Products Marketing Act* is repealed. R.S.O. 1960, c. 137, s. 8, subs. 1, par. 5, repealed

4. *The Farm Products Marketing Act* is amended by adding thereto the following section: R.S.O. 1960, c. 137, amended

Appeal to local board

10*a*.—(1) Where any person deems himself aggrieved by any order, direction or decision of a local board, he may appeal to the local board by serving upon the local board written notice of the appeal.

Appeal to Board

(2) Where any person deems himself aggrieved by,

(*a*) any decision of a local board on an appeal under subsection 1; or

(*b*) any order, direction or regulation made by the Board,

he may appeal to the Board by serving upon the Board written notice of the appeal.

Notice of appeal

(3) Every notice under subsection 1 or 2 shall contain a statement of the matter being appealed and the name and address of the person making the appeal.

Local board to provide material

(4) Upon receipt of a notice under clause *a* of subsection 2, the Board shall forthwith notify the local board, and the local board shall thereupon forthwith provide the Board with all relevant by-laws, orders, directions, regulations, documents and other material, of any kind whatsoever, in its possession.

Notice of hearing

(5) In any appeal under subsection 1 or 2, the Board or the local board, as the case may be, shall, within seven days after the notice referred to in subsection 1 or 2 is received, serve notice upon the person making the appeal of the date, time and place at which the appeal will be heard.

Hearing

(6) The Board or the local board, as the case may be, shall hear and decide any appeal under subsection 1 or 2 within thirty days after the notice of appeal is received, but the Board or the local board may, at the request of the person making the appeal, adjourn the hearing from time to time for such period or periods of time as the Board or the local board deems just.

Right to be heard

(7) At any hearing under this section, the person making the appeal has the right to attend and make representations and to adduce evidence respecting the appeal either by himself or through counsel.

Idem

(8) At any hearing of an appeal under clause *a* of subsection 2, the local board has the right to attend and

make representations and to adduce evidence respecting the appeal either by its officers, or any of them, or through counsel.

Disposition of appeal

(9) Upon an appeal to the Board under clause *a* of subsection 2, the Board may, by order, direct the local board to take such action as the local board is authorized to take under this Act and as the Board deems proper, and for this purpose the Board may substitute its opinion for that of the local board.

Notice of decision

(10) The Board or the local board, as the case may be, shall, within ten days after the hearing is completed, serve notice upon the person making the appeal of its decision.

Substantial compliance

(11) A proceeding that is in substantial compliance with this section is not open to objection on the ground that it is not in strict compliance therewith.

Service of notice

(12) Where a notice is served under this section, it may be served personally or,

(*a*) where the notice is served on the Board or a local board, by mailing the notice to the address of the Board or of the local board, as the case may be, at its usual business address; or

(*b*) where the notice is served on a person making an appeal, by mailing the notice to the address shown in his notice of appeal.

Rehearing

(13) After the Board or a local board has decided an appeal under this section, the Board or local board may reopen the hearing on its own motion and make a new decision, and the procedure for an appeal under this section applies to the rehearing.

R.S.O. 1960, c. 137, s. 18 (1962-63, c. 45, s. 11), subs. 2, cl. *d*, re-enacted

5.—(1) Clause *d* of subsection 2 of section 18 of *The Farm Products Marketing Act*, as enacted by section 11 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(*d*) providing for the seizing, removing, destroying or otherwise disposing of any growing tobacco plants or tobacco produced or marketed in violation of this Act or the regulations, and the retention or disposition by the local board of any proceeds of the sale thereof.

R.S.O. 1960, c. 137, s. 18 (1962-63, c. 45, s. 11), amended

(2) The said section 18 is amended by adding thereto the following subsection:

Penalty

(5) Notwithstanding section 13, every person who fails to comply with or contravenes any of the provisions of this section or of any regulation, order or direction of the Board or the local board made pursuant to this section is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than $500 and, for a subsequent offence, to a fine of not less than $500 and not more than $5,000.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Farm Products Marketing Amendment Act, 1965 (No. 2)*.

1st Reading

May 12th, 1965

2nd Reading

May 21st, 1965

3rd Reading

June 21st, 1965

MR. STEWART

BILL 141

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Judicature Act

MR. RENWICK

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The amendment defines the grounds upon which an interim injunction in a labour dispute may be granted and requires at least six hours notice in applications which now may be made *ex parte*.

BILL 141 **1965**

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 17 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 197, s. 17, subs. 3, re-enacted

(3) An interim injunction under subsection 2 may be granted where the court is satisfied, after hearing oral evidence subject to cross-examination, that, Grounds for interim injunction

(*a*) unlawful acts have been threatened and will be committed unless restrained or have been committed and will be continued unless restrained, but an interim injunction shall not be issued to restrain any person other than the person making the threat or committing the unlawful act or actually authorizing or ratifying the threat or unlawful act after actual knowledge thereof;

(*b*) substantial and irreparable injury to the applicant's property will follow;

(*c*) as to each item of relief granted, greater hardship will be inflicted upon the applicant by the denial of relief than will be inflicted upon the respondent by the granting of relief;

(*d*) the applicant has no other adequate remedy at law; and

(*e*) the police officers charged with the duty of protecting the applicant's property are unable or have failed to furnish adequate protection.

(3*a*) Where the court is satisfied that injury to the person or damage to property has occurred or an interruption of an essential public service has occurred or Short notice

is likely to occur, an interim injunction under subsection 2 may be granted upon the application of any person affected thereby made upon notice of not less than six hours.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Judicature Amendment Act, 1965*.

1st Reading

May 12th, 1965

2nd Reading

3rd Reading

MR. RENWICK

1965

BILL 142

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to provide for the Establishment of Regional Detention Centres

MR. GROSSMAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Bill provides the authority necessary for two or more counties to co-operate in establishing and operating a joint jail or a regional detention centre under a board.

BILL 142 **1965**

An Act to provide for the Establishment of Regional Detention Centres

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement for regional detention centre

1.—(1) The councils of any two or more adjoining counties may enter into an agreement for the joint establishment, maintenance and operation of a regional detention centre, and the agreement may include any matter for such purpose, including, without restricting the generality of the foregoing,

(*a*) the manner of approving the cost of construction and the method of apportioning the cost thereof;

(*b*) the manner of approving the estimates of the cost of maintenance and operation and the method of apportioning the cost thereof; and

(*c*) the manner in which each county participating in the agreement shall pay its proportion of the costs referred to in clauses *a* and *b* and the times when and the manner in which such costs shall be paid.

Where city has own jail

(2) A city that maintains its own jail may be a party to an agreement between two or more counties in the same manner as if the city were a county, and shall be deemed to be a county for the purposes of section 2.

Approval

(3) No agreement under subsection 1 shall take effect until approved by the Minister of Reform Institutions.

Regional detention centre board

2.—(1) Where an agreement is approved, a regional detention centre board shall be established, consisting of three members appointed from among themselves by the council of the county having the largest population as determined by the last revised assessment rolls, and two members appointed from among themselves by the council of each of the other counties entering into the agreement.

Chairman

(2) The members of a regional detention centre board shall elect a chairman from among themselves.

Powers and duties of board

(3) Subject to an approved agreement, all the powers, duties and responsibilities in respect of the provision, maintenance and government of jails that are given by this or any other Act to a county that has entered into an approved agreement are vested in a regional detention centre board, including, without restricting the generality of the foregoing,

(*a*) the preparation and submission to the county councils of estimates for the cost of providing, maintaining and operating the regional detention centre;

(*b*) the receipt and disposition of grants paid in respect of the regional detention centre; and

(*c*) the receipt and disposition of the amounts appropriated in accordance with the estimates.

Board not a body under R.S.O. 1960, c. 23, s. 53

(4) A regional detention centre board is not a body within the meaning of section 53 of *The Assessment Act*.

Establishment of regional detention centres

3. A regional detention centre board shall establish and maintain a regional detention centre for the counties that are parties to the agreement, and the regional detention centre shall be deemed to be the common jail of each such county, and the costs for which each county is liable under the agreement shall be deemed to be the costs of the county in respect of a county jail for the purposes of *The Municipal Act*.

R.S.O. 1960, c. 249

Provisions for jails apply to centres

4. Any Act relating to jails applies to regional detention centres established under this Act.

Name

5. The name given to a regional detention centre is subject to the approval of the Minister of Reform Institutions.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Regional Detention Centres Act, 1965*.

for the Establishment
of Regional Detention Centres

1st Reading

May 12th, 1965

2nd Reading

3rd Reading

MR. GROSSMAN

1965

BILL 142

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to provide for the Establishment of Regional Detention Centres

MR. GROSSMAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

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Where city has own jail

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An Act to provide
for the Establishment
of Regional Detention Centres

1st Reading

May 12th, 1965

2nd Reading

May 20th, 1965

3rd Reading

June 21st, 1965

MR. GROSSMAN

BILL 143

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The Motor Vehicle Fuel Tax Act, 1965

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

This is a general revision of the Act, which was first passed in 1956.

The main feature of this revision is that provision is made for the marking of non-taxable diesel fuel. In addition, the method of remitting the tax to the Treasurer of Ontario has been changed to make it uniform with the method used under *The Gasoline Tax Act.*

BILL 143 **1965**

The Motor Vehicle Fuel Tax Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Comptroller" means the Comptroller of Revenue;

(*b*) "diesel fuel" includes any gas or liquid that is used or may be used to operate an internal combustion engine of the diesel type and, in particular and without restricting the generality of the foregoing, includes any furnace oil, stove oil, kerosene, light industrial and commercial fuel oils;

(*c*) "highway" includes every highway within the meaning of *The Highway Traffic Act* and every road, street, lane, bridge or right of way designated or intended for or used by the general public for the passage of vehicles; R.S.O. 1960, c. 172

(*d*) "marked" means marked and coloured in accordance with the regulations;

(*e*) "motor vehicle" means any vehicle licensed or required to be licensed under *The Highway Traffic Act*, and includes any machine operated, propelled driven on any highway or in connection with the construction or maintenance of a highway, other than machines used in the production or manufacture of highway-building materials, such as stone, gravel, sand, asphalt and cement;

(*f*) "regulations" means the regulations made under this Act;

(*g*) "Treasurer" means the Treasurer of Ontario. R.S.O. 1960, c. 248, s. 1, *amended*.

Tax

2.—(1) Except as provided in subsection 2, every person shall at the time of purchase or delivery pay to the Treasurer for the use of the Crown in right of Ontario a tax at the rate of 20.5 cents per imperial gallon on all diesel fuel purchased or delivery of which is received by him in Ontario for his own use.

Exemptions

(2) Any person who uses diesel fuel for,

(*a*) any purpose other than,

(i) the operation of an internal combustion engine, or

(ii) in connection with the construction or maintenance of a highway, exclusive of diesel fuel used in the heating of buildings situated at other than highway construction or maintenance job-sites;

(*b*) operating agricultural machinery, other than motor vehicles, while engaged in agricultural work on farm land;

(*c*) operating boats in commercial fishing operations if he holds a subsisting licence issued to him under *The Game and Fish Act, 1961-62*;

1961-62, c. 48

(*d*) operating diesel-powered locomotives if he is engaged in transporting by rail passengers or goods for compensation; or

(*e*) operating diesel-powered vessels of more than 500 tons gross if he is engaged in transporting by water passengers or goods for compensation,

may purchase marked diesel fuel exempt from tax. *New.*

Uses of marked diesel fuel

3. Marked diesel fuel shall not be used for any purpose except as provided in subsection 2 of section 2. *New.*

Designation of markers

4. The Comptroller may designate and authorize persons to mark diesel fuel. *New.*

Inquiry

5.—(1) The Treasurer may, for any purpose related to the administration or enforcement of this Act or the regulations, authorize any person to make such inquiry as he deems necessary with reference thereto.

Powers

(2) For the purpose of an inquiry under subsection 1, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner under *The Public Inquiries Act*. *New.*

R.S.O. 1960, c. 323

Entry for inspection of premises

6.—(1) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act or the regulations may at all reasonable times enter into any premises or place of any person,

(*a*) for the purpose of ascertaining whether the tax imposed by this Act has been or is being paid or collected, or the amount of such tax; or

(*b*) to ascertain whether the person has, or has had, in his possession diesel fuel that may be taxable under this Act.

Power to search

(2) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act or the regulations may examine the fuel in any fuel container or the fuel tank or any part of the fuel system of any motor vehicle or machine and take a sample of that fuel. *New.*

Marked diesel fuel in motor vehicles prohibited

7.—(1) No person shall place, use or have marked diesel fuel in the fuel tank, including any supplemental tank, or the fuel system of a motor vehicle.

Interpretation

(2) In subsection 1, "motor vehicle" includes any machine to which subsection 2 of section 2 does not apply.

Penalty

(3) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both. *New.*

Tampering with marked diesel fuel

8.—(1) No person shall add any substance to marked diesel fuel or remove any substance from marked diesel fuel or subject marked diesel fuel to any process whatsoever with intent to remove or change its colour or marking.

Proof of tampering

(2) Proof of any adding, removing or processing is admissible in evidence as *prima facie* proof of intent to remove or change the colour or marking of the marked diesel fuel.

Penalty

(3) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both. *New.*

Notice on pump required

9. No person shall dispense marked diesel fuel from a pump or other dispensing device unless such pump or other dispensing device has on it the notice prescribed by the regulations. *New.*

False returns

10. Every person charged with the collection of the tax imposed by this Act and every officer, agent or employee of any such person, who signs any return or statement required by this Act or the regulations containing any false statement, is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both. *New.*

Where more than 40 imperial gallons of fuel in fuel tank

11.—(1) Where there are more than forty imperial gallons of diesel fuel in the fuel tank, including any supplemental tank, of a motor vehicle, such fuel shall be deemed to have been purchased in Ontario, and the person in charge of any such motor vehicle shall produce proof that the tax imposed by this Act was paid on the portion of such fuel in excess of forty imperial gallons. R.S.O. 1960, c. 248, s. 4 (1), *amended.*

Penalty

(2) Every person who fails to comply with subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and not more than $500.

Exception

R.S.O. 1960, c. 319

(3) This section does not apply to a public commercial vehicle for which there has been issued a Class L single-trip permit under *The Public Commercial Vehicles Act.* R.S.O. 1960, c. 248, s. 4 (2, 3).

Information to be secret

12.—(1) Subject to subsection 2, no person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act.

Communication of information to other jurisdictions

(2) The Treasurer may,

(*a*) communicate or allow to be communicated information obtained under this Act; or

(*b*) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the government of Canada or of any province of Canada, provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Treasurer, and provided that the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

(3) Every person who contravenes any provision of subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not more than $200. R.S.O. 1960, c. 248, s. 19. Penalty

13. Every person who contravenes any of the provisions of this Act or the regulations for which no other penalty is provided is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not less than $500 and not more than $1,000 or to a term of imprisonment of not less than thirty days and not more than ninety days, or to both, and, for any subsequent offence, to a fine of not less than $500 and not more than $1,000 or to a term of imprisonment of not less than ninety days and not more than six months, or to both. *New.* General penalty

14. Where a corporation is convicted of an offence under subsection 3 of section 7, subsection 3 of section 8 or section 9 or 10, the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein. *New.* Maximum penalty for corporations

15. Any information with respect to any contravention of this Act or the regulations may be laid within three years from the time when the matter of such information arose, and not afterwards. *New.* Information to be laid within 3 years.

16. The fines imposed for offences under this Act are payable to the Treasurer. *New.* Disposition of fines

17. In every prosecution under this Act, a certificate of analysis purporting to be signed by an analyst is admissible in evidence as *prima facie* proof of the facts stated therein without proof of the signature or standing or qualification of the person by whom the certificate is given. *New.* Certificate of analysis

18. The moneys required for the purposes of this Act during the fiscal year 1965-66 shall be paid out of the Consolidated Revenue Fund, and thereafter such moneys shall be paid out of the moneys appropriated by the Legislature for the purposes of this Act. Moneys

19. The Lieutenant Governor in Council may make regulations, Regulations

(*a*) providing for the collection of the tax imposed by this Act and designating the persons by whom it shall be collected;

(*b*) prescribing the remuneration to be paid to the persons who collect the tax imposed by this Act;

(*c*) requiring the furnishing of surety bonds by the persons who collect the tax imposed by this Act and prescribing the form and amount of such bonds;

(*d*) providing for the accounting for and paying over of the tax imposed by this Act and regulating the time and manner of such accounting and payment;

(*e*) prescribing the returns and statements to be made, the information to be given in such returns and statements, and by whom and in what manner they shall be made;

(*f*) excluding classes of diesel fuel from this Act and the regulations;

(*g*) exempting classes of persons from the tax imposed by this Act;

(*h*) providing for refunds of the tax paid under this Act, or any portion of such tax, and prescribing the records and materials to be furnished upon applications for refunds;

(*i*) prescribing the manner and method of marking and colouring diesel fuel for use for any purpose other than a purpose mentioned in subclause i or ii of clause *a* of subsection 2 of section 2;

(*j*) prescribing the form and content of the notice mentioned in section 9;

(*k*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 248, s. 21, *amended*.

R.S.O. 1960, c. 248; 1961-62, c. 85; 1964, c. 67, repealed

20. *The Motor Vehicle Fuel Tax Act*, *The Motor Vehicle Fuel Tax Amendment Act, 1961-62* and *The Motor Vehicle Fuel Tax Amendment Act, 1964* are repealed.

Commencement

21. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

22. This Act may be cited as *The Motor Vehicle Fuel Tax Act, 1965*.

1st Reading

May 13th, 1965

2nd Reading

3rd Reading

MR. ALLAN

BILL 143

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The Motor Vehicle Fuel Tax Act, 1965

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 143 **1965**

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1. In this Act, Interpretation

(*a*) "Comptroller" means the Comptroller of Revenue;

(*b*) "diesel fuel" includes any gas or liquid that is used or may be used to operate an internal combustion engine of the diesel type and, in particular and without restricting the generality of the foregoing, includes any furnace oil, stove oil, kerosene, light industrial and commercial fuel oils;

(*c*) "highway" includes every highway within the meaning of *The Highway Traffic Act* and every road, street, lane, bridge or right of way designated or intended for or used by the general public for the passage of vehicles; R.S.O. 1960, c. 172

(*d*) "marked" means marked and coloured in accordance with the regulations;

(*e*) "motor vehicle" means any vehicle licensed or required to be licensed under *The Highway Traffic Act*, and includes any machine operated, propelled or driven on any highway or in connection with the construction or maintenance of a highway, other than machines used in the production or manufacture of highway-building materials, such as stone, gravel, sand, asphalt and cement;

(*f*) "regulations" means the regulations made under this Act;

(*g*) "Treasurer" means the Treasurer of Ontario. R.S.O. 1960, c. 248, s. 1, *amended*.

Tax

2.—(1) Except as provided in subsection 2, every person shall at the time of purchase or delivery pay to the Treasurer for the use of the Crown in right of Ontario a tax at the rate of 20.5 cents per imperial gallon on all diesel fuel purchased or delivery of which is received by him in Ontario for his own use.

Exemptions

(2) Any person who uses diesel fuel for,

(*a*) any purpose other than,

(i) the operation of an internal combustion engine, or

(ii) in connection with the construction or maintenance of a highway, exclusive of diesel fuel used in the heating of buildings situated at other than highway construction or maintenance job-sites;

(*b*) operating agricultural machinery, other than motor vehicles, while engaged in agricultural work on farm land;

(*c*) operating boats in commercial fishing operations if he holds a subsisting licence issued to him under *The Game and Fish Act, 1961-62*;

1961-62, c. 48

(*d*) operating diesel-powered locomotives if he is engaged in transporting by rail passengers or goods for compensation; or

(*e*) operating diesel-powered vessels of more than 500 tons gross if he is engaged in transporting by water passengers or goods for compensation,

may purchase marked diesel fuel exempt from tax. *New.*

Uses of marked diesel fuel

3. Marked diesel fuel shall not be used for any purpose except as provided in subsection 2 of section 2. *New.*

Designation of markers

4. The Comptroller may designate and authorize persons to mark diesel fuel. *New.*

Inquiry

5.—(1) The Treasurer may, for any purpose related to the administration or enforcement of this Act or the regulations, authorize any person to make such inquiry as he deems necessary with reference thereto.

Powers

(2) For the purpose of an inquiry under subsection 1, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner under *The Public Inquiries Act*. *New.*

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Entry for inspection of premises

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(*a*) for the purpose of ascertaining whether the tax imposed by this Act has been or is being paid or collected, or the amount of such tax; or

(*b*) to ascertain whether the person has, or has had, in his possession diesel fuel that may be taxable under this Act.

Power to search

(2) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act or the regulations may examine the fuel in any fuel container or the fuel tank or any part of the fuel system of any motor vehicle or machine and take a sample of that fuel. *New.*

Marked diesel fuel in motor vehicles prohibited

7.—(1) No person shall place, use or have marked diesel fuel in the fuel tank, including any supplemental tank, or the fuel system of a motor vehicle.

Interpretation

(2) In subsection 1, "motor vehicle" includes any machine to which subsection 2 of section 2 does not apply.

Penalty

(3) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both. *New.*

Tampering with marked diesel fuel

8.—(1) No person shall add any substance to marked diesel fuel or remove any substance from marked diesel fuel or subject marked diesel fuel to any process whatsoever with intent to remove or change its colour or marking.

Proof of tampering

(2) Proof of any adding, removing or processing is admissible in evidence as *prima facie* proof of intent to remove or change the colour or marking of the marked diesel fuel.

Penalty

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Notice on pump required

9. No person shall dispense marked diesel fuel from a pump or other dispensing device unless such pump or other dispensing device has on it the notice prescribed by the regulations. *New.*

False returns

10. Every person charged with the collection of the tax imposed by this Act and every officer, agent or employee of any such person, who signs any return or statement required by this Act or the regulations containing any false statement, is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both. *New.*

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(3) Every person who contravenes any provision of subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not more than $200. R.S.O. 1960, c. 248, s. 19. Penalty

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15. Any information with respect to any contravention of this Act or the regulations may be laid within three years from the time when the matter of such information arose, and not afterwards. *New.* Information to be laid within 3 years

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(*c*) requiring the furnishing of surety bonds by the persons who collect the tax imposed by this Act and prescribing the form and amount of such bonds;

(*d*) providing for the accounting for and paying over of the tax imposed by this Act and regulating the time and manner of such accounting and payment;

(*e*) prescribing the returns and statements to be made, the information to be given in such returns and statements, and by whom and in what manner they shall be made;

(*f*) excluding classes of diesel fuel from this Act and the regulations;

(*g*) exempting classes of persons from the tax imposed by this Act;

(*h*) providing for refunds of the tax paid under this Act, or any portion of such tax, and prescribing the records and materials to be furnished upon applications for refunds;

(*i*) prescribing the manner and method of marking and colouring diesel fuel for use for any purpose other than a purpose mentioned in subclause i or ii of clause *a* of subsection 2 of section 2;

(*j*) prescribing the form and content of the notice mentioned in section 9;

(*k*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 248, s. 21, *amended*.

R.S.O. 1960, c. 248; 1961-62, c. 85; 1964, c. 67, repealed

20. *The Motor Vehicle Fuel Tax Act*, *The Motor Vehicle Fuel Tax Amendment Act, 1961-62* and *The Motor Vehicle Fuel Tax Amendment Act, 1964* are repealed.

Commencement

21. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

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1st Reading

May 13th, 1965

2nd Reading

May 20th, 1965

3rd Reading

June 21st, 1965

MR. ALLAN

BILL 144

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to impose a Tax on the Consumers of Tobacco

MR. ALLAN

TORONTO
PRINTER AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of this Bill is to take tobacco out of *The Retail Sales Tax Act, 1960-61* and to change the method of remitting the tax to the Treasurer of Ontario in order to make it uniform with *The Gasoline Tax Act.*

BILL 144 **1965**

An Act to impose a Tax on the Consumers of Tobacco

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Comptroller" means the Comptroller of Revenue;

(*b*) "consumer" means any person who,

(i) in Ontario, purchases or receives delivery of tobacco, or

(ii) in the case of a person ordinarily resident in Ontario or carrying on business in Ontario, brings into Ontario tobacco acquired outside Ontario,

for his own use or consumption or for the use or consumption by others at his expense, or on behalf of, or as the agent for, a principal who desires to acquire the tobacco for use or consumption by him or other persons at his expense, but does not include a dealer;

(*c*) "dealer" means any person who in Ontario sells tobacco or offers or keeps tobacco for sale, either at wholesale or at retail;

(*d*) "package" includes a box, tin or other container in which tobacco is sold at retail;

(*e*) "regulations" means the regulations made under this Act;

(*f*) "retail dealer" means any person who sells tobacco to a consumer;

(*g*) "retail sale" means a sale to a consumer;

(*h*) "tobacco" means tobacco in any form in which it is used or consumed, and includes snuff;

(*i*) "Treasurer" means the Treasurer of Ontario;

(*j*) "wholesale dealer" means any person who sells in Ontario tobacco for the purpose of resale.

Tax on consumer

2.—(1) Every consumer shall pay to Her Majesty in right of Ontario a tax computed at the rate of,

(*a*) one-twentieth of 1 cent on every cigarette purchased by him;

(*b*) one-fifth of 1 cent for every 5 cents or part thereof of the price at retail of every cigar purchased by him;

(*c*) 1 cent per ounce or part thereof of any tobacco purchased by him other than cigarettes or cigars, but on any purchase under this clause the minimum tax payable is 1 cent and every fraction of a cent shall be considered as 1 cent.

Collection of tax

(2) The tax imposed by this Act shall be collected from the consumer by the retail dealer as agent of the Treasurer at the time of the sale to the consumer and shall be remitted by the retail dealer to the Treasurer at the time and in the manner prescribed by the regulations.

M.L.A.s not disqualified

(3) No person acting as agent under subsection 2 shall thereby be made ineligible as a member of the Assembly.

Wholesale dealer's permit

3.—(1) No person shall sell tobacco in Ontario for resale unless he holds a subsisting wholesale dealer's permit issued to him under this Act.

Retail vendor's permit required 1960-61, c. 91

(2) No person shall sell tobacco in Ontario to a consumer unless such person holds a subsisting vendor's permit issued to him under *The Retail Sales Tax Act, 1960-61.*

Sale to retail vendor

(3) No wholesale dealer shall sell tobacco in Ontario to a person who does not hold a subsisting vendor's permit issued to him under *The Retail Sales Tax Act, 1960-61.*

Suspension or cancellation of wholesale dealer's permit

4. The Comptroller may suspend or cancel the permit of any wholesale dealer who,

(*a*) refuses or neglects to account for and pay as herein required moneys received by him as proceeds of the tax;

(*b*) refuses or neglects to furnish a surety bond when so required under the regulations,

but, before a refusal, suspension or cancellation is made, the wholesale dealer shall be afforded an opportunity to appear before the Comptroller to show cause why the issuance of a permit should not be refused or why the permit should be not suspended or cancelled, as the case may be.

Tobacco brought into or received in Ontario

5. Every person ordinarily resident in Ontario or carrying on business in Ontario who brings into Ontario or who receives delivery in Ontario of tobacco acquired for value by him for his own consumption or use or for the consumption or use by other persons at his expense, or on behalf of, or as agent for, a principal who desires to acquire such tobacco for the consumption or use by such principal or other persons at his expense, shall immediately report the matter in writing to the Comptroller and shall supply the Comptroller with the invoice and all other pertinent information required from him by the Comptroller in respect of the consumption or use of such tobacco, and shall pay to Her Majesty in right of Ontario the same tax in respect of the consumption and use of such tobacco as would have been payable if the tobacco had been purchased in Ontario.

Absorption of tax

6. No retail dealer shall advertise or hold out or state to the public or to any consumer directly or indirectly that the tax or any part thereof imposed by this Act will be assumed or absorbed by the retail dealer or that it will not be considered as an element in the price to the consumer or, if added, that it or any part thereof will be refunded.

Tax moneys are trust moneys

7.—(1) Every person who collects any tax imposed by this Act shall be deemed to hold it in trust for Her Majesty in right of Ontario and shall pay it over to the Treasurer at the time and in the manner prescribed by the regulations or by agreement made under the regulations.

Default in payment over to Treasurer

(2) If any person who has collected any tax imposed by this Act fails to pay it over to the Treasurer at the time and in the manner prescribed by the regulations or by agreement made under the regulations, as the case may be, the amount thereof becomes a debt due to Her Majesty in right of Ontario and is a lien upon the property in Ontario of the person in default and has priority over all other claims of other persons, and it shall bear interest at the rate of 6 per cent per annum from the day the amount was due until it is paid.

Investigation

8.—(1) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises

or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are or should be kept pursuant to this Act, and may,

(*a*) audit or examine any books and records and any account, voucher, letter, telegram or other document that relates or may relate to the tax imposed by this Act;

(*b*) examine the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or the amount of any tax imposed by this Act;

(*c*) require a dealer liable to collect or pay over or considered possibly liable to collect or pay over tax imposed under this Act, or, if such dealer is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof and any other person on the premises of such dealer to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination, either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises or place with him; and

(*d*) if during the course of an audit of examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams or other documents and retain them until they are produced in any court proceedings.

Demand for information, etc., from dealers

(2) The Comptroller may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any dealer or, if any such dealer is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof any information or additional information or production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein.

Idem, from dealer's debtors

(3) The Comptroller may, for any purpose related to the administration or enforcement of this Act and the regulations,

by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding or paying or liable to pay any amount to a dealer, or from any partner, agent or official of any such person, partnership, syndicate, trust or corporation, production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein.

Authority to enter and search

(4) The Comptroller may, for any purpose related to the administration or enforcement of this Act and the regulations, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon an *ex parte* application, authorize in writing any officer of the Office of the Comptroller of Revenue, together with such members of the Ontario Provincial Police Force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations, and to seize and to take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

Production of records, etc.

(5) The Comptroller may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer, for the purpose of determining what tax, if any, is collectable or payable under this Act by any dealer or consumer, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand.

Copies

(6) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Office of the Comptroller of Revenue, may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Comptroller or a person thereunto authorized by the Comptroller to be a copy made pursuant to this subsection is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way.

Interference

(7) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do, or prevent or attempt to prevent any person doing any such thing.

Inquiry

9.—(1) The Treasurer may, for any purpose related to the administration or enforcement of this Act or the regulations, authorize any person to make such inquiry as he deems necessary with reference thereto.

Powers

(2) For the purpose of an inquiry under subsection 1, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner under *The Public Inquiries Act*.

R.S.O. 1960, c. 323

False returns

10.—(1) Every person charged with the collection of the tax imposed by this Act and every officer, agent or employee of every such person who signs any return or statement required by this Act or the regulations containing any false statement is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

Idem, corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein.

Information to be secret

11.—(1) Subject to subsection 2, no person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act.

Communication of information to other jurisdictions

(2) The Treasurer may,

(*a*) communicate or allow to be communicated information obtained under this Act; or

(*b*) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the government of Canada or any province of Canada, provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Treasurer, and provided that the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

General penalty

12. Every person who contravenes any of the provisions of this Act or the regulations for which no other penalty is provided is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not less than $100 and not more than $500 or to a term of imprisonment of not less than ten days and not more than thirty days, or to both and, for any subsequent offence, to a fine of not less than $500 and not more than $1,000 or to a term of imprisonment of not less than three months and not more than six months, or to both.

Information to be laid within three years

13. Any information with respect to any contravention of this Act or the regulations may be laid within three years from the time when the matter of such information arose, and not afterwards.

Disposition of fines

14. The fines imposed for offences under this Act are payable to the Treasurer.

Moneys

15. The moneys required for the purposes of this Act during the fiscal year 1965-66 shall be paid out of the Consolidated Revenue Fund, and thereafter such moneys shall be paid out of the moneys appropriated by the Legislature for the purposes of this Act.

Regulations

16. The Lieutenant Governor in Council may make regulations,

(*a*) providing for the collection of the tax imposed by this Act and designating the persons by whom it is to be collected;

(*b*) prescribing the remuneration to be paid to the persons who collect the tax imposed by this Act;

(*c*) requiring surety bonds to be furnished by the persons who collect the tax imposed by this Act, and prescribing the form and amount of such bonds;

(*d*) providing for the accounting for and paying over of the tax imposed by this Act, and regulating the time and manner of such accounting and payment;

(*e*) prescribing the returns and statements to be made by importers, manufacturers and dealers of tobacco, the information to be given in such returns and statements, and by whom and in what manner they are to be made;

(*f*) establishing a system of permits for wholesale dealers;

(*g*) respecting agreements between the Comptroller and the persons who collect the tax imposed by this Act, and providing for their use;

(*h*) excluding any class of tobacco products from this Act;

(*i*) exempting any class of persons from the payment of the tax imposed by this Act;

(*j*) providing for the refund of the whole or any part of the tax paid under this Act, and prescribing the records and material to be furnished upon any application for a refund;

(*k*) providing for the appointment of such inspectors, officers and other persons as may be necessary for the proper carrying out of this Act;

(*l*) prescribing forms and providing for their use;

(*m*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commencement

17. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

18. This Act may be cited as *The Tobacco Tax Act, 1965*.

1st Reading

May 13th, 1965

2nd Reading

3rd Reading

MR. ALLAN

1965

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3RD SESSION, 27TH LEGISLATURE, ONTARIO
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An Act to impose a Tax on the Consumers of Tobacco

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(Reprinted as amended by the Committee of the Whole House)

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(*i*) "Treasurer" means the Treasurer of Ontario;

(*j*) "wholesale dealer" means any person who sells in Ontario tobacco for the purpose of resale.

Tax on consumer

2.—(1) Every consumer shall pay to Her Majesty in right of Ontario a tax computed at the rate of,

(*a*) one-twentieth of 1 cent on every cigarette purchased by him;

(*b*) one-fifth of 1 cent for every 5 cents or part thereof of the price at retail of every cigar purchased by him;

(*c*) one-half of 1 cent per ounce or part thereof of any tobacco, other than cigarettes or cigars, purchased by him at a rate of less than 50 cents a package, or 1 cent per ounce or part thereof of any tobacco, other than cigarettes or cigars, purchased by him at a rate of 50 cents or more a package, but on any purchase under this clause the minimum tax payable is 1 cent, and every fraction of a cent shall be considered as 1 cent.

Collection of tax

(2) The tax imposed by this Act shall be collected from the consumer by the retail dealer as agent of the Treasurer at the time of the sale to the consumer and shall be remitted by the retail dealer to the Treasurer at the time and in the manner prescribed by the regulations.

M.L.A.s not disqualified

(3) No person acting as agent under subsection 2 shall thereby be made ineligible as a member of the Assembly.

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Retail vendor's permit required 1960-61, c. 91

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4. The Comptroller may suspend or cancel the permit of any wholesale dealer who,

(*a*) refuses or neglects to account for and pay as herein required moneys received by him as proceeds of the tax;

(*b*) refuses or neglects to furnish a surety bond when so required under the regulations,

but, before a refusal, suspension or cancellation is made, the wholesale dealer shall be afforded an opportunity to appear before the Comptroller to show cause why the issuance of a permit should not be refused or why the permit should be not suspended or cancelled, as the case may be.

Tobacco brought into or received in Ontario

5. Every person ordinarily resident in Ontario or carrying on business in Ontario who brings into Ontario or who receives delivery in Ontario of tobacco acquired for value by him for his own consumption or use or for the consumption or use by other persons at his expense, or on behalf of, or as agent for, a principal who desires to acquire such tobacco for the consumption or use by such principal or other persons at his expense, shall immediately report the matter in writing to the Comptroller and shall supply the Comptroller with the invoice and all other pertinent information required from him by the Comptroller in respect of the consumption or use of such tobacco, and shall pay to Her Majesty in right of Ontario the same tax in respect of the consumption and use of such tobacco as would have been payable if the tobacco had been purchased in Ontario.

Absorption of tax

6. No retail dealer shall advertise or hold out or state to the public or to any consumer directly or indirectly that the tax or any part thereof imposed by this Act will be assumed or absorbed by the retail dealer or that it will not be considered as an element in the price to the consumer or, if added, that it or any part thereof will be refunded.

Tax moneys are trust moneys

7.—(1) Every person who collects any tax imposed by this Act shall be deemed to hold it in trust for Her Majesty in right of Ontario and shall pay it over to the Treasurer at the time and in the manner prescribed by the regulations or by agreement made under the regulations.

Default in payment over to Treasurer

(2) If any person who has collected any tax imposed by this Act fails to pay it over to the Treasurer at the time and in the manner prescribed by the regulations or by agreement made under the regulations, as the case may be, the amount thereof becomes a debt due to Her Majesty in right of Ontario and is a lien upon the property in Ontario of the person in default and has priority over all other claims of other persons, and it shall bear interest at the rate of 6 per cent per annum from the day the amount was due until it is paid.

Investigation

8.—(1) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are or should be kept pursuant to this Act, and may,

(*a*) audit or examine any books and records and any account, voucher, letter, telegram or other document that relates or may relate to the tax imposed by this Act;

(*b*) examine the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or the amount of any tax imposed by this Act;

(*c*) require a dealer liable to collect or pay over or considered possibly liable to collect or pay over tax imposed under this Act, or, if such dealer is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof and any other person on the premises of such dealer to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination, either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises or place with him; and

(*d*) if during the course of an audit of examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams or other documents and retain them until they are produced in any court proceedings.

Demand for information, etc., from dealers

(2) The Comptroller may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any dealer or, if any such dealer is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof any information or additional information or production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein.

Idem, from dealer's debtors

(3) The Comptroller may, for any purpose related to the administration or enforcement of this Act and the regulations, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding or paying or liable to pay any amount to a dealer, or from any partner, agent or official of any such person, partnership, syndicate, trust or corporation, production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein.

Authority to enter and search

(4) The Comptroller may, for any purpose related to the administration or enforcement of this Act and the regulations, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon an *ex parte* application, authorize in writing any officer of the Office of the Comptroller of Revenue, together with such members of the Ontario Provincial Police Force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations, and to seize and to take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

Production of records, etc.

(5) The Comptroller may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer, for the purpose of determining what tax, if any, is collectable or payable under this Act by any dealer or consumer, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand.

Copies

(6) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Office of the Comptroller of Revenue, may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Comptroller or a person thereunto authorized by the Comptroller to be a copy made pursuant to this subsection is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way.

Interference

(7) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do, or prevent or attempt to prevent any person doing any such thing.

Inquiry

9.—(1) The Treasurer may, for any purpose related to the administration or enforcement of this Act or the regulations, authorize any person to make such inquiry as he deems necessary with reference thereto.

Powers

(2) For the purpose of an inquiry under subsection 1, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner under *The Public Inquiries Act*.

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False returns

10.—(1) Every person charged with the collection of the tax imposed by this Act and every officer, agent or employee of every such person who signs any return or statement required by this Act or the regulations containing any false statement is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

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Communication of information to other jurisdictions

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(*a*) communicate or allow to be communicated information obtained under this Act; or

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to any person employed by the government of Canada or any province of Canada, provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Treasurer, and provided that the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

General penalty

12. Every person who contravenes any of the provisions of this Act or the regulations for which no other penalty is provided is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not less than $100 and not more than $500 or to a term of imprisonment of not less than ten days and not more than thirty days, or to both and, for any subsequent offence, to a fine of not less than $500 and not more than $1,000 or to a term of imprisonment of not less than three months and not more than six months, or to both.

Information to be laid within three years

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(*g*) respecting agreements between the Comptroller and the persons who collect the tax imposed by this Act, and providing for their use;

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(*f*) "retail dealer" means any person who sells tobacco to a consumer;

(*g*) "retail sale" means a sale to a consumer;

(*h*) "tobacco" means tobacco in any form in which it is used or consumed, and includes snuff;

(*i*) "Treasurer" means the Treasurer of Ontario;

(*j*) "wholesale dealer" means any person who sells in Ontario tobacco for the purpose of resale.

Tax on consumer

2.—(1) Every consumer shall pay to Her Majesty in right of Ontario a tax computed at the rate of,

(*a*) one-twentieth of 1 cent on every cigarette purchased by him;

(*b*) one-fifth of 1 cent for every 5 cents or part thereof of the price at retail of every cigar purchased by him;

(*c*) one-half of 1 cent per ounce or part thereof of any tobacco, other than cigarettes or cigars, purchased by him at a rate of less than 50 cents a package, or 1 cent per ounce or part thereof of any tobacco, other than cigarettes or cigars, purchased by him at a rate of 50 cents or more a package, but on any purchase under this clause the minimum tax payable is 1 cent, and every fraction of a cent shall be considered as 1 cent.

Collection of tax

(2) The tax imposed by this Act shall be collected from the consumer by the retail dealer as agent of the Treasurer at the time of the sale to the consumer and shall be remitted by the retail dealer to the Treasurer at the time and in the manner prescribed by the regulations.

M.L.A.s not disqualified

(3) No person acting as agent under subsection 2 shall thereby be made ineligible as a member of the Assembly.

Wholesale dealer's permit

3.—(1) No person shall sell tobacco in Ontario for resale unless he holds a subsisting wholesale dealer's permit issued to him under this Act.

Retail vendor's permit required 1960-61, c. 91

(2) No person shall sell tobacco in Ontario to a consumer unless such person holds a subsisting vendor's permit issued to him under *The Retail Sales Tax Act, 1960-61.*

Sale to retail vendor

(3) No wholesale dealer shall sell tobacco in Ontario to a person who does not hold a subsisting vendor's permit issued to him under *The Retail Sales Tax Act, 1960-61.*

Suspension or cancellation of wholesale dealer's permit

4. The Comptroller may suspend or cancel the permit of any wholesale dealer who,

(*a*) refuses or neglects to account for and pay as herein required moneys received by him as proceeds of the tax;

(*b*) refuses or neglects to furnish a surety bond when so required under the regulations,

but, before a refusal, suspension or cancellation is made, the wholesale dealer shall be afforded an opportunity to appear before the Comptroller to show cause why the issuance of a permit should not be refused or why the permit should be not suspended or cancelled, as the case may be.

Tobacco brought into or received in Ontario

5. Every person ordinarily resident in Ontario or carrying on business in Ontario who brings into Ontario or who receives delivery in Ontario of tobacco acquired for value by him for his own consumption or use or for the consumption or use by other persons at his expense, or on behalf of, or as agent for, a principal who desires to acquire such tobacco for the consumption or use by such principal or other persons at his expense, shall immediately report the matter in writing to the Comptroller and shall supply the Comptroller with the invoice and all other pertinent information required from him by the Comptroller in respect of the consumption or use of such tobacco, and shall pay to Her Majesty in right of Ontario the same tax in respect of the consumption and use of such tobacco as would have been payable if the tobacco had been purchased in Ontario.

Absorption of tax

6. No retail dealer shall advertise or hold out or state to the public or to any consumer directly or indirectly that the tax or any part thereof imposed by this Act will be assumed or absorbed by the retail dealer or that it will not be considered as an element in the price to the consumer or, if added, that it or any part thereof will be refunded.

Tax moneys are trust moneys

7.—(1) Every person who collects any tax imposed by this Act shall be deemed to hold it in trust for Her Majesty in right of Ontario and shall pay it over to the Treasurer at the time and in the manner prescribed by the regulations or by agreement made under the regulations.

Default in payment over to Treasurer

(2) If any person who has collected any tax imposed by this Act fails to pay it over to the Treasurer at the time and in the manner prescribed by the regulations or by agreement made under the regulations, as the case may be, the amount thereof becomes a debt due to Her Majesty in right of Ontario and is a lien upon the property in Ontario of the person in default and has priority over all other claims of other persons, and it shall bear interest at the rate of 6 per cent per annum from the day the amount was due until it is paid.

Investigation

8.—(1) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are or should be kept pursuant to this Act, and may,

(*a*) audit or examine any books and records and any account, voucher, letter, telegram or other document that relates or may relate to the tax imposed by this Act;

(*b*) examine the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or the amount of any tax imposed by this Act;

(*c*) require a dealer liable to collect or pay over or considered possibly liable to collect or pay over tax imposed under this Act, or, if such dealer is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof and any other person on the premises of such dealer to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination, either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises or place with him; and

(*d*) if during the course of an audit of examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams or other documents and retain them until they are produced in any court proceedings.

Demand for information, etc., from dealers

(2) The Comptroller may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any dealer or, if any such dealer is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof any information or additional information or production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein.

(3) The Comptroller may, for any purpose related to the administration or enforcement of this Act and the regulations, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding or paying or liable to pay any amount to a dealer, or from any partner, agent or official of any such person, partnership, syndicate, trust or corporation, production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein. Idem, from dealer's debtors

(4) The Comptroller may, for any purpose related to the administration or enforcement of this Act and the regulations, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon an *ex parte* application, authorize in writing any officer of the Office of the Comptroller of Revenue, together with such members of the Ontario Provincial Police Force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations, and to seize and to take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings. Authority to enter and search

(5) The Comptroller may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer, for the purpose of determining what tax, if any, is collectable or payable under this Act by any dealer or consumer, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand. Production of records, etc.

(6) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Office of the Comptroller of Revenue, may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Comptroller or a person thereunto authorized by the Comptroller to be a copy made pursuant to this subsection is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way. Copies

Interference

(7) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do, or prevent or attempt to prevent any person doing any such thing.

Inquiry

9.—(1) The Treasurer may, for any purpose related to the administration or enforcement of this Act or the regulations, authorize any person to make such inquiry as he deems necessary with reference thereto.

Powers

(2) For the purpose of an inquiry under subsection 1, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner under *The Public Inquiries Act*.

R.S.O. 1960, c. 323

False returns

10.—(1) Every person charged with the collection of the tax imposed by this Act and every officer, agent or employee of every such person who signs any return or statement required by this Act or the regulations containing any false statement is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

Idem, corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein.

Information to be secret

11.—(1) Subject to subsection 2, no person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act.

Communication of information to other jurisdictions

(2) The Treasurer may,

(*a*) communicate or allow to be communicated information obtained under this Act; or

(*b*) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the government of Canada or any province of Canada, provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Treasurer, and provided that the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

General penalty

12. Every person who contravenes any of the provisions of this Act or the regulations for which no other penalty is provided is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not less than $100 and not more than $500 or to a term of imprisonment of not less than ten days and not more than thirty days, or to both and, for any subsequent offence, to a fine of not less than $500 and not more than $1,000 or to a term of imprisonment of not less than three months and not more than six months, or to both.

Information to be laid within three years

13. Any information with respect to any contravention of this Act or the regulations may be laid within three years from the time when the matter of such information arose, and not afterwards.

Disposition of fines

14. The fines imposed for offences under this Act are payable to the Treasurer.

Moneys

15. The moneys required for the purposes of this Act during the fiscal year 1965-66 shall be paid out of the Consolidated Revenue Fund, and thereafter such moneys shall be paid out of the moneys appropriated by the Legislature for the purposes of this Act.

Regulations

16. The Lieutenant Governor in Council may make regulations,

(*a*) providing for the collection of the tax imposed by this Act and designating the persons by whom it is to be collected;

(*b*) prescribing the remuneration to be paid to the persons who collect the tax imposed by this Act;

(*c*) requiring surety bonds to be furnished by the persons who collect the tax imposed by this Act, and prescribing the form and amount of such bonds;

(*d*) providing for the accounting for and paying over of the tax imposed by this Act, and regulating the time and manner of such accounting and payment;

(*e*) prescribing the returns and statements to be made by importers, manufacturers and dealers of tobacco, the information to be given in such returns and statements, and by whom and in what manner they are to be made;

(*f*) establishing a system of permits for wholesale dealers;

(*g*) respecting agreements between the Comptroller and the persons who collect the tax imposed by this Act, and providing for their use;

(*h*) excluding any class of tobacco products from this Act;

(*i*) exempting any class of persons from the payment of the tax imposed by this Act;

(*j*) providing for the refund of the whole or any part of the tax paid under this Act, and prescribing the records and material to be furnished upon any application for a refund;

(*k*) providing for the appointment of such inspectors, officers and other persons as may be necessary for the proper carrying out of this Act;

(*l*) prescribing forms and providing for their use;

(*m*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commencement

17. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

18. This Act may be cited as *The Tobacco Tax Act, 1965*.

1st Reading

May 13th, 1965

2nd Reading

May 20th, 1965

3rd Reading

June 21st, 1965

MR. ALLAN

BILL 145

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Crown Agency Act

MR. BRYDEN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The amendment ensures that the Act does not affect the relations between the agencies to which the Act applies and their employees.

BILL 145 **1965**

An Act to amend The Crown Agency Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Crown Agency Act* is amended by adding thereto the following section: R.S.O. 1960, c. 81, amended

4. This Act shall not be construed or applied to affect the relations between any Crown agency and its employees or to exclude any Crown agency or its employees from the application of *The Labour Relations Act*. Employees not affected; R.S.O. 1960, c. 202

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Crown Agency Amendment Act, 1965*. Short title

1st Reading

May 17th, 1965

2nd Reading

3rd Reading

MR. BRYDEN

1965

BILL 146

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Municipal Act

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The definition of "published" is revised. It was recently held that publication in a newspaper that had general circulation but that was not published in the municipality was not sufficient, as the definition required publication in the municipality or in an adjacent or neighbouring municipality.

Section 2. The new subsections provide that, where a ward system is established and the police villages are contained in separate wards, the police villages are automatically dissolved. The Municipal Board, in dividing the township into wards, can also provide for the composition of the council so as to give adequate representation to the former police villages on the council. Provision is also made for a petition of electors of a ward in a township in which a police village is dissolved to require the council to provide certain works or services in the ward that the council is authorized to provide on an area basis.

BILL 146 **1965**

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *q* of section 1 of *The Municipal Act* is repealed and the following substituted therefor: . R.S.O. 1960, c. 249, s. 1, cl. *q*, re-enacted

(*q*) "published" means published in a daily or weekly newspaper that, in the opinion of the clerk of the municipality, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning.

2. Section 13 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1962-63*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 249, s. 13 (1962-63, c. 87, s. 1), amended

(5) Where a township containing one or more police villages is hereafter divided into wards under this section and the boundaries of the wards are such that the police village is within the boundaries of a ward or, where there is more than one police village, each of such police villages is within the boundaries of a different ward, each such police village is dissolved as of the date when the division into wards takes effect, and the provisions of section 25 apply *mutatis mutandis*. Dissolution of police villages

(6) The Municipal Board, before making any order for the division or redivision into wards of a township containing one or more police villages, shall hold a public hearing in the municipality, after such notice thereof has been given as the Municipal Board may direct, for the purpose of inquiring into the merits of the application and the hearing of any objections that any persons may desire to bring to the attention of the Municipal Board. O.M.B. hearing

Power of O.M.B. re composition of council

(7) Notwithstanding subsections 1, 2, 4, 5, 6, 7 and 8 of section 31 or any special Act, where a township containing one or more police villages is hereafter divided or redivided into wards, the Municipal Board may, in any order dividing or redividing the township into wards or by subsequent order or orders, make all such provisions for the composition of the council of the township as it may deem necessary or desirable, provided that there shall be a reeve to be elected by general vote and at least one councillor to be elected for each ward and one or more deputy reeves to be elected by general vote or appointed by the council from its own members.

Petition for works or services in wards

(8) A petition of 100 electors of a ward in a township in which a police village was dissolved under subsection 5 may be presented to the council of the township for the exercise of any of its powers to provide works or services in the ward of the kind that may be provided to a police village under section 502 and that may be lawfully provided within a defined area in the township and the whole cost of which may be charged to such area, and, if the council,

(*a*) where no approval of any other authority is required, refuses or neglects to exercise such powers within ninety days; or

(*b*) where approval of some other authority is required, does not make the necessary application for such approval within sixty days; or

(*c*) where the required approval has been obtained, does not exercise its powers within thirty days of the receipt of such approval,

the petitioners or any of them may appeal to the Municipal Board, and the Municipal Board shall hear the appeal, after such notice has been given as the Municipal Board may direct, and may dismiss the appeal or direct the council to pass a by-law or by-laws in accordance with its order.

R.S.O. 1960, c. 249, s. 14, subs. 10, cl. *i*, re-enacted

3. Clause *i* of subsection 10 of section 14 of *The Municipal Act* is repealed and the following substituted therefor:

(*i*) where by reason of any annexation order made under this section the taxable assessment of a local municipality is reduced by not less than 15 per cent as shown by the last revised assessment roll prior to

SECTION 3. The amendment authorizes compensating grants to be made in respect of a school board as well as of a municipality.

SECTION 4. The new subsection 6 is to make it clear that, when a police village is dissolved or part is detached by reason of being included in part of a township erected into a town or city, the adjustment of assets and other matters is the same as when an application is made to the Municipal Board for the dissolution of a police village.

SECTION 5. The amendment is complementary to section 2 of this Bill providing for the dissolution of police villages. The new clauses authorize the Ontario Municipal Board to provide for the matters set out therein.

SECTION 6. The amendment provides that a member of council is not disqualified by reason of receiving remuneration as a member of a planning board under section 7*a* of *The Planning Act*.

the effective date of such annexation, authorize and direct the payment to such municipality or to a school board thereof by the annexing municipality or a school board thereof, to relieve such municipality or school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation in such amounts and manner as may be agreed upon between the municipalities and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board may deem equitable.

4. Section 17 of *The Municipal Act*, as amended by section 3 of *The Municipal Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 17, amended

(6) Where a township or part of a township in which a police village is situate is erected into a town or city, the police village or part of the police village within such township or part of a township is dissolved or detached, as the case may be, and clauses *d*, *e*, *ea* and *h* of subsection 7 of section 25 and subsection 8 of section 25 apply *mutatis mutandis*. Dissolution of police village included in area erected into town or city

5. Subsection 7 of section 25 of *The Municipal Act* is amended by adding thereto the following clauses: R.S.O. 1960, c. 249, s. 25, subs. 7, amended

(*ea*) upon the dissolution of a police village, provide for the maintenance of any works or services previously provided within the police village by the trustees of the police village, pursuant to the provisions of any Act, upon such terms and conditions as it may deem necessary or desirable, and subsections 10*a*, 10*b* and 10*c* of section 14 apply *mutatis mutandis*;

(*eb*) upon the dissolution of a police village, provide for the continued operation of any local hydro-electric system previously established by the trustees of the police village under section 69 of *The Power Commission Act* and for the transfer to the council of the township of the control and management of works established for the distribution of power in the area of such police village. R.S.O. 1960, c. 300

6. Clause *r* of subsection 1 of section 35 of *The Municipal Act*, as amended by subsection 1 of section 3 of *The Municipal Amendment Act, 1962-63*, is further amended by inserting after "409" in the sixth line "or under section 7*a* of *The Planning Act*", so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 35, subs. 1, cl. *r*, amended

(*r*) a person who, either himself or by or with or through another, has any claim, action or proceeding against the corporation, but this clause does not apply with respect to any moneys paid or payable to a member of a council under section 203, 212, 405, 406, 407 or 409 or under section 7*a* of *The Planning Act* or with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*.

R.S.O. 1960, cc. 296, 23, 223

R.S.O. 1960, c. 249, s. 41, amended

7. Section 41 of *The Municipal Act* is amended by striking out "section 119" in the second line and inserting in lieu thereof "section 121", so that the section shall read as follows:

Clerk may give a casting vote only

41. The clerk of the municipality is not entitled to vote except to give a casting vote as provided by section 121.

R.S.O. 1960, c. 249, s. 48, subs. 1, amended

8. Subsection 1 of section 48 of *The Municipal Act* is amended by adding "or" at the end of clause *c* and by adding thereto the following clause:

(*d*) a statutory declaration that he is qualifying in respect of land of which he is a tenant where the taxes in respect of the land are under the terms of tenancy payable by the owner of the land and that the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

R.S.O. 1960, c. 249, s. 60, subs. 4, amended

9. Subsection 4 of section 60 of *The Municipal Act* is amended by striking out "shall" in the second line and inserting in lieu thereof "may", so that the subsection shall read as follows:

Constable may attend each such polling place

(4) The board of commissioners of police or the chief constable may cause one or more constables or clerks, as the case may be, to attend at each polling place in a schoolhouse or public building in which an election is being held, there to perform the duties required by this Act of a constable appointed by the returning officer.

R.S.O. 1960, c. 249, s. 119, subs. 3, repealed

10. Subsection 3 of section 119 of *The Municipal Act* is repealed.

R.S.O. 1960, c. 249, s. 121, subs. 11, re-enacted

11. Subsection 11 of section 121 of *The Municipal Act* is repealed and the following substituted therefor:

When clerk to have casting vote

(10*a*) If the certificate of the result of the recount shows that the candidates have an equal number of votes, the clerk shall forthwith after receiving the certificate give a vote for one or more of the candidates so as to decide the election.

SECTION 7. The amendment is complementary to section 11 of this Bill.

SECTION 8. Under section 48, a candidate for office is required to file a declaration of notification, one of the requirements of which is a certificate of the treasurer that there are no unpaid taxes for any preceding year against the land in respect of which he is qualified.

Section 48 is amended to provide for the situation of a tenant where, under the terms of the tenancy, the taxes are payable by the owner. The amendment brings section 48 in line with clause *t* of subsection 1 of section 35, as amended in 1961-62.

SECTION 9. Under the present legislation, it is mandatory that a constable or clerk attend each polling place in a schoolhouse or public building. The amendment makes the provision permissive.

SECTION 10. The amendment is complementary to section 11 of this Bill.

SECTION 11. Under the present legislation, the provision for the clerk casting a deciding ballot applies only where there has been a tie on the original count and does not apply in a recount where one of the candidates was declared to be elected. The amendment provides for the clerk to give a casting vote where there is a tie vote following any recount.

SECTION 12. The amendment is to ensure that the number of members of a council cannot be reduced to less than a quorum.

SECTION 13. As the present section now reads, a councillor is not prohibited from voting on a by-law that fixes his allowance for attendance at meetings of council or its committees. There is some doubt that this exception applies to voting on an annual allowance under section 406. The amendment is to make it clear that voting on an annual allowance under section 406 is also excepted.

SECTION 14. The amendment authorizes towns of not less than 45,000 to provide for a board of control.

(11) Upon the result of the recount or re-addition being ascertained under subsection 10 or 10*a*, the clerk shall declare elected the candidate so ascertained as having the greatest number of votes, and such declaration shall be deemed for all purposes to have been substituted for the prior declaration made under section 118 if it is different from such prior declaration. Clerk's declaration of result

12. Section 146 of *The Municipal Act* is amended by adding at the end thereof "and may not resign his office and his seat in council if his resignation would reduce the number of the members of the council to less than a quorum", so that the section shall read as follows: R.S.O. 1960, c. 249, s. 146, amended

146. A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council, but he shall not vote on a motion as to his own resignation, and may not resign his office and his seat in council if his resignation would reduce the number of the members of the council to less than a quorum. Resignation of member with consent of council

13. Section 198 of *The Municipal Act* is amended by adding at the end thereof "or to annual allowances to members of council", so that the section shall read as follows: R.S.O. 1960, c. 249, s. 198, amended

198. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this does not apply to allowances for attendance at meetings of the council or its committees or to annual allowances to members of council. Prohibition as to member voting to appoint himself to office

14. Subsection 1 of section 202 of *The Municipal Act*, as re-enacted by section 26 of *The Municipal Amendment Act, 1961-62* and amended by section 4 of *The Municipal Amendment Act, 1964*, is further amended by inserting after "cities" in the first line "or towns", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 249, s. 202, (1961-62, c. 86, s. 26), subs. 1, amended

(1) In cities or towns having a population of not less than 45,000 and in other local municipalities having a population of not less than 100,000, the council may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law, In cities or towns of not less than 45,000 and other local municipalities of not less than 100,000

. . . . . .

R.S.O. 1960, c. 249, s. 216, subs. 3, amended

15. Subsection 3 of section 216 of *The Municipal Act* is amended by inserting after "hand" in the third line "and under the seal of the corporation" and by inserting after "proof" in the fourth line "of the seal or", so that the subsection shall read as follows:

Copies certified by clerk to be receivable in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and under the seal of the corporation may be filed and used in any court in lieu of the orginal, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

R.S.O. 1960, c. 249, s. 223*a* (1961-62, c. 86, s. 32), re-enacted

16. Section 223*a* of *The Municipal Act*, as enacted by section 32 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Publication of financial statement, etc.

223*a*.—(1) The treasurer of every local municipality in every year shall, within one month after receiving the audited financial statements of the municipality, cause to be published or to be mailed or delivered to each ratepayer a copy of the balance sheet or sheets and the corresponding statements of surplus as of the 31st day of December of the preceding year and the statement of revenue and expenditure for the preceding year, all as certified by the auditor, or a summary thereof, in such form as the Department may prescribe, together with a copy of the report of the auditor.

Inclusion with tax notice

(2) Where a tax notice is mailed to each ratepayer before the 30th day of June, the treasurer may, in lieu of publishing, mailing or delivering a copy or summary and the report under subsection 1, include with such notice the copy or summary and the report.

Publication of information

(3) The council of a municipality may cause to be published in a newspaper having general circulation in the municipality or to be mailed or delivered to each ratepayer in the municipality such information concerning the activities of the municipality as, in the opinion of the council, would be of interest to the ratepayers.

R.S.O. 1960, c. 249, amended

17. *The Municipal Act* is amended by adding thereto the following section:

SECTION 15.—The amendment is for clarification and to make the wording similar to subsection 4 of section 253, which provides for certified copies of by-laws.

SECTION 16. Under the present legislation, the treasurer is required, within one month after receiving the audited financial statement of the municipality, to either publish a copy of it in the newspaper or mail a copy to every ratepayer in the municipality. The section, as revised, provides that, where the tax notice is mailed to each ratepayer prior to the 30th day of June, the audited financial statement may be enclosed with it. Also, municipalities are authorized to mail or publish a summary of the audited financial statement in a form approved by the Department rather than the full financial statement.

SECTION 17. Self-explanatory.

SECTION 18. Subsection 1 of section 228 is amended to provide that municipal auditors are not required to audit the accounts of school boards established by the Minister on lands owned by the Crown.

SECTION 19. Self-explanatory.

SECTION 20. This section at the present time provides that municipalities shall not destroy any records whatsoever without the specific approval of the Department. As revised, the section authorizes municipalities to set up schedules for retaining documents for a certain period of time, which schedules will require the approval of the municipal auditor.

226*a*. The council of a municipality shall appoint as assessor, assessment commissioner, county assessment commissioner or a member of a board of assessors only a person who is licensed by the Department as a municipal assessor. Only licensed assessors to be appointed

18. Subsection 1 of section 228 of *The Municipal Act* is amended by adding at the end thereof "except school boards established under section 12 of *The Public Schools Act*, subsection 5 of section 12 of *The Secondary Schools and Boards of Education Act* or subsection 4*a* of section 51 of *The Secondary Schools and Boards of Education Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 228, subs. 1, amended

(1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council, and every person so appointed shall, in addition to his duties in respect of the corporation, audit the accounts and transactions of every local board as defined in *The Department of Municipal Affairs Act*, except school boards established under section 12 of *The Public Schools Act*, subsection 5 of section 12 of *The Secondary Schools and Boards of Education Act* or subsection 4*a* of section 51 of *The Secondary Schools and Boards of Education Act*. Appointment of auditors R.S.O. 1960, cc. 98, 330, 362

19. Section 247 of *The Municipal Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 247, amended

(1*a*) The power to license, regulate or govern places or things includes a power to license, regulate or govern the trades, callings or businesses for which such places or things are used and the persons carrying on or engaged in them. Power to license or regulate places or things includes power to license and regulate trades, etc.

20. Section 248*b* of *The Municipal Act*, as enacted by section 36 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 248*b* (1961-62, c. 86, s. 36), re-enacted

248*b*. A municipality or a local board thereof, as defined in *The Department of Municipal Affairs Act*, except a school board, shall not destroy any of its receipts, vouchers, instruments, rolls or other documents, records and papers except, Destruction of documents R.S.O. 1960, c. 98

(*a*) after having obtained the approval of the Department; or

(*b*) in accordance with a by-law passed by the municipality and approved by the auditor of the municipality establishing schedules of retention periods during which the receipts, vouchers, instruments, rolls or other documents, records and papers must be kept by the municipality or local board.

R.S.O. 1960, c. 249, s. 248*c*, subs. 3 (1964, c. 68, s. 5), re-enacted

21. Subsection 3 of section 248*c* of *The Municipal Act*, as re-enacted by section 5 of *The Municipal Amendment Act, 1964*, is repealed and the following substituted therefor:

Vesting upon transfer from pension fund

(3) Notwithstanding any general or special Act, where an employee of a municipality or of a local board as defined in paragraph 59 of section 377, on or after the 1st day of March, 1948,

(*a*) has been contributing to a pension, superannuation or benefit fund or plan established under any general or special Act, excluding a pension fund established under *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*; and

R.S.O. 1960, cc. 392, 301, 332

(*b*) terminates his employment with the municipality or local board; and

(*c*) without intervening employment, becomes a member of the civil service of Ontario or Canada, the civic service of any other municipality or local board or the staff of any board, commission or public institution established under any Act of the Legislature,

he is entitled, in lieu of a refund of his contributions to the fund or plan plus any interest thereon, to the pension benefits and any other benefits that would be payable under the fund or plan in respect of his employment with the municipality or local board to the date of such termination as if he continued in such employment until his death or retirement age, and such municipality or local board shall authorize, on the request of the employee, the transfer of a sum of money equal to the larger of,

(*d*) the contributions made by the employee under the fund or plan, plus any interest thereon; or

(*e*) the present value, calculated as of the date of the transfer of such sum of money on the basis of generally accepted actuarial methods,

SECTION 21. The provisions respecting the transfer of pension funds are revised for the purposes of clarification.

SECTION 22. It frequently occurs that in defined areas there are erected large buildings, such as hospitals, schools and other types of buildings that are exempt from taxation, and, since the entire cost of the work is levied on the rateable property in the defined area, the result is that the owners of property in the area are now assuming the part of the cost of the work that is attributable to these exempt buildings, although such things as a hospital and a school are for the benefit of the whole municipality. Section 248*d* provides that the municipality shall bear the cost of such exempt lands.

SECTION 23. As the present section now stands, it applies only to works of local municipalities. The section is extended to include all undertakings and projects and to apply to counties as well as to local municipalities.

SECTION 24. Section 272 is revised to provide a workable method by which the counties may obtain the assent of the electors to county by-laws.

of the pension benefits and any other benefits under the fund or plan to which the employee is entitled as provided in this subsection,

to any fund or plan maintained to provide pension benefits for members of such civil or civic service or staff of which the employee has become a member, provided such a transfer is permitted under the terms of the fund or plan to which the transfer is to be made.

22. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960, c. 249, amended

248*d*. Where, after the 1st day of June, 1965, a by-law under paragraph 52 of subsection 1 of section 379 or section 380 is passed imposing a special rate or levy within a defined area and there are in such defined area lands as defined in *The Assessment Act* that are exempt from taxation, that part of the cost of the work for which the special rate or levy is made that would be chargeable to such exempt lands if they were not exempt from taxation shall be levied against all the rateable property in the municipality. Special rates re exempt lands in defined areas

R.S.O. 1960, c. 23

23. Section 250*a* of *The Municipal Act*, as enacted by section 37 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, 250*a* (1961-62, c. 86, s. 37), re-enacted

250*a*. The council of a municipality may pass by-laws for entering into and performing any agreement with any other council for fulfilling, executing or completing, at their joint expense and for their joint benefit, any undertaking, work or project within the jurisdiction of the council. Joint works and undertakings

24. Section 272 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 272, re-enacted

272.—(1) Where the by-law is proposed to be passed by a county council, the council may fix a day or may prescribe the days on which municipal elections are to be held in the local municipalities in the county as the day or days for obtaining the assent or opinion of the electors, in which event the local municipalities shall submit the proposed by-law to their respective electors accordingly, and the clerk of each local municipality shall, upon the expiry of the time for applying for a scrutiny of the vote under section 273 or, where there has been such an application, on the disposition of it by the judge, forthwith certify the Procedure in case of county by-law

result of the vote in his local municipality to the clerk of the county who shall certify to the county council the number of votes cast for and against the by-law.

When by-law deemed to have assent

(2) A by-law of a county shall be deemed to have been assented to by the electors if a majority of the votes cast in all the local municipalities is in favour of the by-law.

R.S.O. 1960, c. 249, s. 286, subs. 2, cl. *k*, amended

25. Clause *k* of subsection 2 of section 286 of *The Municipal Act* is amended by striking out "section 11" in the second line and inserting in lieu thereof "section 17", so that the clause shall read as follows:

R.S.O. 1960, c. 201

(*k*) agreements respecting juvenile and family courts under section 17 of *The Juvenile and Family Courts Act.*

R.S.O. 1960, c. 249, s. 377, par. 9, re-enacted

26.—(1) Paragraph 9 of section 377 of *The Municipal Act* is repealed and the following substituted therefor:

Establishment of air harbours or landing grounds

9. For establishing or for granting aid to the establishment of air harbours or landing grounds in compliance with the *Air Regulations* (Canada), and for granting aid for aeronautical research work and for the development and general advancement of the science of aeronautics and the use of aircraft, and for entrusting the control and management of any air harbour or landing ground so established to a commission appointed by the council.

(*a*) For the purposes of this paragraph, the council of a local municipality may acquire land in the municipality or in an adjacent or an adjoining municipality or in any adjacent or adjoining territory without municipal organization, or may acquire by lease or otherwise an existing air harbour or landing ground in any municipality or in territory without municipal organization.

R.S.O. 1960, c. 249, s. 377, par. 63, amended

(2) Paragraph 63 of the said section 377 is amended by striking out "where there is no board of park management" in the third and fourth lines and inserting in lieu thereof "in respect of lands acquired for any of such purposes that are not under the general management, regulation and control of a board of park management", so that the paragraph, exclusive of the clauses, shall read as follows:

SECTION 25. The amendment is to correct a reference.

SECTION 26—Subsection 1. At the present time, this paragraph provides for the granting of aid by municipalities for the establishment of air harbours or landing grounds and also provides for the councils of two or more municipalities to establish their own air harbour or landing ground and for these municipalities to establish a commission to operate the air harbour or landing ground. The amendment is to permit a single municipality to establish and operate an air harbour and to entrust its operation to a commission.

Subsection 2. The paragraph as it now reads gives the council the authority to exercise the powers of park boards only when there is no park board. The amendment gives the council the right to exercise the powers of park boards in respect of lands that were not acquired under *The Public Parks Act* but were acquired by the municipality under general legislation.

Subsection 3. It sometimes occurs that, after a parking lot has been established and the charges levied against a certain area that is limited by reason of such area being zoned commercial, the commercial area may be extended by an amendment to a zoning by-law so that the parking lot then benefits this extended area. Under the present legislation, there is no way by which the special charges can be levied on the extended area, and the amendment is merely to provide for a re-apportionment of the cost.

Subsection 4. The provisions respecting licensing, etc., of lodging houses are transferred from paragraph 134 of subsection 1 of section 379 in order to extend the powers to counties. The provisions are revised to make it clear that nursing homes are included.

63. For acquiring land for and establishing and laying out public parks, squares, avenues, boulevards and drives in the municipality or in any adjoining local municipality and, in respect of lands acquired for any of such purposes that are not under the general management, regulation and control of a board of park management, for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act.* Acquiring land for parks, etc. R.S.O. 1960, c. 329

. . . . .

(3) Paragraph 67 of the said section 377, as amended by subsection 4 of section 15 of *The Municipal Amendment Act, 1962-63*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 249, s. 377, par. 67, amended

(*h*) Where a by-law has been passed under this paragraph, which provides that the capital cost or any part thereof shall be levied against the lands in a defined area under clause *g*, and the council is of the opinion that lands in any other area or areas have begun or may begin to derive a special benefit therefrom because of the passing, subsequent to the effective date of the by-law imposing the levy, of a by-law or amendment to a by-law under section 30 of *The Planning Act*, the council may, by a further by-law passed with the approval of the Municipal Board, define the area or areas in which lands have begun or may begin to derive such special benefit and re-apportion the balance of such costs mentioned in subclause i of clause *g* and amend the schedule to the first-mentioned by-law so that such costs shall be apportioned against each parcel of land in all the defined areas that derive or that have begun or begin to derive such special benefit. Enlargement of defined area against which cost may be levied R.S.O. 1960, c. 296

(4) The said section 377 is amended by adding thereto the following paragraph: R.S.O. 1960, c. 249, s. 377, amended

71. For licensing, regulating and governing lodging houses and the keepers of lodging houses, and for revoking any such licence. Lodging houses

(*a*) In this paragraph, "lodging house" means a nursing home and any house or other building or portion thereof in which persons are harboured, received or lodged for hire, but does not include a hotel, hospital, home for

the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any other general or special Act.

(*b*) A by-law passed under this section may provide for the licensing, regulating and governing of any class or classes of lodging house or lodging-house keepers, and may provide for the issue and revocation of licences for any class or classes of lodging house by the local board of health and for prohibiting the use of premises licensed under the by-law, except for the purposes for which the licence was issued, and may fix the licence fee for any class or classes of lodging house in accordance with a scale for each class or the number of inmates permitted in the lodging house.

(*c*) A by-law of a county passed under this paragraph has no force in any local municipality in which a by-law passed by such local municipality is in force in respect of the same class or classes of lodging house.

R.S.O. 1960, c. 249, s. 379, subs. 1, amended

27.—(1) Subsection 1 of section 379 of *The Municipal Act* is amended by adding thereto the following paragraph:

Restricting number of animals that may be kept

1*a*. For restricting the number of domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes or other animals that may be kept by any person within the municipality or defined areas thereof.

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 49, re-enacted

(2) Paragraph 49 of subsection 1 of the said section 379, as amended by subsections 1, 2 and 3 of section 42 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Industrial sites

49. On the vote of three-fourths of all the members of the council, for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and of industrial operations and uses incidental thereto.

Application of receipts where debt outstanding

(*a*) Where land has been acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph, and any debt is outstanding in respect of the acquisition of the land or in

SECTION 27—Subsection 1. The present legislation provides for regulating or prohibiting the keeping of domestic animals within a municipality. These provisions do not, however, permit municipalities to restrict the number of animals that a person may keep. The new paragraph 1*a* will allow municipalities to limit the number of domestic animals that a person may keep within the municipality.

Subsection 2. Under the present paragraph 49, a municipality may, either with the assent of the electors or the approval of the Department, acquire or expropriate industrial sites, and thereafter any sale or disposition of the lands so acquired must be approved by the Department.

Paragraph 49, as revised, provides for the acquisition and sale of land for industrial sites on a three-fourths vote of all the members of the council instead of the approval of the Department, but such approval is required when the land is no longer required as industrial site land and is otherwise disposed of.

Subsection 3. At present, if a franchise is to be given that relates only to a particular area, the assent of the electors throughout the whole municipality is required. The amendment would permit taking a vote in the area to which a bus franchise granted under paragraph 88 is applicable.

Subsection 4. Local municipalities are authorized to pass by-laws in accordance with paragraph 105*a*.

respect of any services applied to the land, other than services supplied under *The Local Improvement Act*, all moneys received from the sale or lease of such land shall be used to retire the debt or shall be set aside as a fund to provide for the retirement of the debt unless the Department, upon the request of the council, approves the use of any of such moneys for another purpose; and, when the debt is retired or the amount in the fund is sufficient to provide for the complete retirement of the debt, the balance of such moneys on hand and any such moneys received thereafter shall be credited to the general funds of the municipality. R.S.O. 1960, c. 223

(*b*) Any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph may be used by the municipality for the purposes of the municipality or may be sold to any local board, as defined in *The Department of Municipal Affairs Act*, for the purposes of such board. Use of land by municipality or sale to local board R.S.O. 1960, c. 98

(*c*) Where it appears to the council that any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph is no longer required for the purposes for which it was acquired or for the use of the municipality, the council may, with the approval of the Department, sell or dispose of the whole or any part of such lands for any purpose. Disposal of land when no longer required

(3) Paragraph 88 of subsection 1 of the said section 379 is amended by adding thereto the following clause: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 88, amended

(*e*) It is sufficient compliance with subsection 1 of section 3 of *The Municipal Franchises Act* if a by-law passed under this paragraph receives the assent of the municipal electors in the defined area. R.S.O. 1960, c. 255

(4) Subsection 1 of the said section 379 is further amended by adding thereto the following paragraph: R.S.O. 1960, c. 249, s. 379, subs. 1, amended

105*a*. For prohibiting the driving of a vehicle in a race and the driving of a vehicle at a speed in excess of 15 miles per hour on privately-owned parking lots upon which the public is invited to park vehicles, except privately-owned parking lots where a fee is charged for the privilege of parking vehicles. Racing and speeding on parking lots

R.S.O. 1960, c. 172

(*a*) In this paragraph, "vehicle" means a vehicle as defined in *The Highway Traffic Act*.

(*b*) A by-law passed under this paragraph applies only to parking lots in respect of which the owner has filed with the clerk of the corporation written consent to the application of the by-law to his particular parking lot.

(*c*) No such by-law is effective in respect of a parking lot unless there is erected at each entrance thereto a sign clearly indicating the speed limit for vehicles and the prohibition against the racing of vehicles.

R.S.O. 1960, c. 249, s. 379, subs. 1, amended

(5) Subsection 1 of the said section 379 is further amended by adding thereto the following paragraph:

Car washes

129*a*. For licensing, regulating and governing the owners or operators of car washes, and for revoking such licences.

(*a*) For the purpose of this paragraph, a car wash means a building or place where motor vehicles are washed, cleaned or polished for a fee or charge.

(*b*) This paragraph does not apply to an owner or operator licensed under a by-law passed under paragraph 127 or 128.

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 134, repealed

(6) Paragraph 134 of subsection 1 of the said section 379 is repealed.

R.S.O. 1960, c. 249, s. 379*a* (1961-62, c. 86, s. 43), amended

28.—(1) Section 379*a* of *The Municipal Act*, as enacted by section 43 of *The Municipal Amendment Act, 1961-62* and amended by section 10 of *The Municipal Amendment Act, 1964*, is further amended by adding thereto the following subsections:

Principal trade

(1*a*) Where two or more classes of trades are carried on in a shop and at least 70 per cent of the total gross sales of the shop is derived from one trade, such trade is the principal trade carried on in the shop, and the class of such shop shall be determined in relation to such principal trade.

Gross sales

(1*b*) Where it is alleged that any person has contravened in any month any provision of a by-law passed under this section, the total gross sales of the shop for the purpose of determining the principal trade, if any,

Subsection 5. Under existing legislation, car washes are included under the definitions of public garages and service stations. The new paragraph authorizes local municipalities to license and regulate owners and operators of car washes that are not carried on in conjunction with garages or service stations.

Subsection 6. The provision respecting the licensing, etc., of lodging houses is transferred to section 377 and extended to counties. See section 26 (4) of this Bill.

SECTION 28. The amendments,

(1) provide for the determination of principal trade by relation to total gross sales,

(2) authorize the closing of shops on holidays,

(3) clarify the power to pass by-laws to define by way of exception the classes of shops to be closed.

SECTION 29. The new section 379*d* provides that by-laws providing for the closing of shops do not apply to service centres established on controlled-access highways.

The new section 379*e* provides for the making of special charges in relation to buildings that impose or may impose a heavy load on the sewer system or water system of a municipality by reason of which expenditures are or may be required to provide additional sewer or water supply capacity.

carried on therein is the total dollar volume of gross sales of goods and services made, whether for cash or credit or part cash and part credit, by any person in the whole of the shop in the preceding twelve months, and, if the shop has been in operation for less than twelve months, is the total dollar volume of gross sales of goods and services made, whether for cash or credit or part cash and part credit, by any person in the whole of the shop in the preceding month or months in which the shop was operated.

. . . . . .

Closing of shops on holidays

(5*a*) The council of a city, town or village may by by-law require that all or any class or classes of shops in the municipality shall be closed and remain closed on all or any of the following days:

1. Any holiday as defined in *The Interpretation Act*. R.S.O. 1960, c. 191

2. Boxing Day.

3. Any day proclaimed by the head of the council of a local municipality as a civic holiday.

R.S.O. 1960, c. 249, s. 379*a* (1961-62, c. 86, s. 43), subs. 8, re-enacted

(2) Subsection 8 of the said section 379*a* is repealed and the following substituted therefor:

Closing of shops in which several trades carried on

(8) A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours and days during which the shop is by any such by-law required to be closed for the purpose of any one of such trades, unless, by reason of the principal trade being carried on in such shop, the shop is one of a class of shops that by the by-law is not required to be closed.

R.S.O. 1960, c. 249, s. 379*a* (1961-62, c. 86, s. 43), amended

(3) The said section 379*a* is further amended by adding thereto the following subsection:

Form of by-law

(17) Any by-law passed under this section may require all classes of shops to close during certain hours or days, or both, and may exempt therefrom any class or classes of shops.

R.S.O. 1960, c. 249, amended

29. *The Municipal Act* is amended by adding thereto the following sections:

Application of closing by-laws to service centres

379*d*. By-laws passed under section 379*a*, 379*b* or 379*c* do not apply to service centres established on controlled-access highways under agreement with the Minister of Highways.

Special charges to provide additional sewer or water supply capacity

379*e*.—(1) With the approval of the Municipal Board, councils of local municipalities may, by by-law, define the class or classes of buildings to be erected or enlarged after the effective date of the by-law that impose or may impose a heavy load on the sewer system or water system, or both, by reason of which expenditures are or may be required to provide additional sanitary or storm sewer or water supply capacity that in the opinion of a council would not otherwise be required, and may impose a special charge or charges over and above all other rates and charges to pay for all or part of the cost of providing the additional capacity.

Charges in by-law to refer to specific works

(2) The special charge or charges under any by-law shall refer specifically to sanitary sewers, storm sewers or water supply facilities, as the case may be.

Application of proceeds

(3) The proceeds of the charge or charges authorized by any such by-law shall be deemed to be a reserve fund established under section 298.

Charges a lien on land

(4) The by-law may provide that the charge or charges imposed under it are a lien upon the land on which the building is erected, and may be collected in the same manner and with the same remedies as provided by *The Assessment Act* for the collection of real property taxes.

R.S.O. 1960, c. 23

When charges may be made payable

(5) Any charge or charges to be imposed under the by-law may be made payable on an application for a building permit or at any time thereafter.

Exemptions

(6) The following are exempt from any charge or charges imposed under the by-law:

1. Every building on land exempt from taxation under any general or special Act.

2. Every building on land in respect of which an agreement has been entered into with the municipality under section 28 of *The Planning Act* or any predecessor thereof.

R.S.O. 1960, c. 296

3. Every building or any land in respect of which a contribution to provide sanitary or storm sewers or water supply facilities has been made within the ten years previous to the application for a building permit, to the extent of the contribution so made.

SECTION 30. This paragraph provides for the payment of a so-called licence fee by people who commence business, after the return of the assessment roll, in premises in which they are liable for business assessment. Its purpose was to enable municipalities to collect the equivalent of business tax in respect of people who are not assessed for business assessment. However, since this section was enacted, section 53 of *The Assessment Act* has been enacted and under this section the clerk is obliged to enter on the collector's roll anyone who commences business after the 1st day of January and the amount of his business assessment. Also, where there is a change from residential to commercial, the rate collected is the commercial rate. Paragraph 18 of section 401 is a duplication of what is contained in section 53 of *The Assessment Act* and is, therefore, repealed.

SECTION 31. Section 406 provides for payment of annual allowances to councillors, and subsection 4 presently provides that deductions must be made from annual allowances for absences from ordinary meetings of council. The subsection, as revised, is permissive.

SECTION 32. The provision for stopping up highways is amended to make it clear that a municipality may close a highway for a limited period or periods of time.

SECTION 33. The amendment authorizes municipalities to permit the owners of property abutting on sidewalks to install flower planters, etc., over or upon the sidewalks.

4. Every residential building having not more than two dwelling units.

5. Every building, other than a residential building, with an inside floor area of not more than 3,000 square feet.

30. Paragraph 18 of section 401 of *The Municipal Act* is repealed. R.S.O. 1960, c. 249, s. 401, par. 18, repealed

31. Subsection 4 of section 406 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 406, subs. 4, re-enacted

(4) A by-law passed under subsection 1 may provide for the deduction of a reasonable amount from the annual allowance because of absence from ordinary meetings of the council. Deduction for absence

32. Clause *c* of subsection 1 of section 459 of *The Municipal Act* is amended by adding at the end thereof "or for stopping up any highway or part of a highway for a specified period or periods of time", so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 459, subs. 1, cl. *c*, amended

(*c*) for stopping up any highway or part of a highway or for stopping up any highway or part of a highway for a specified period or periods of time.

33. Paragraph 3 of section 469 of *The Municipal Act* is amended by inserting after "sidewalks" in the ninth line "movable receptacles containing plants, shrubs or trees over or upon the sidewalks" and by inserting after "device" in the nineteenth line "receptacle", so that the paragraph, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 249, s. 469, par. 3, amended

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway, and for permitting the owners of land to maintain and use signs and other advertising devices that project over the sidewalks, movable receptacles containing plants, shrubs or trees over or upon the sidewalks and canopies that project over the sidewalks, for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and used, and for making such annual or other charge for the privilege con- Areas and openings under highways

ferred by the by-law as the council may deem reasonable, and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, receptacle or canopy, or otherwise as may be required by the by-law.

. . . . . .

R.S.O. 1960, c. 249, ss. 487-490, repealed

34. Section 487, section 488, as amended by section 56 of *The Municipal Amendment Act, 1961-62*, and sections 489 and 490 of *The Municipal Act* are repealed.

R.S.O. 1960, c. 249, s. 498, subs. 2, amended

35. Subsection 2 of section 498 of *The Municipal Act* is amended by striking out "judge" in the first line and inserting in lieu thereof "Municipal Board", so that the subsection shall read as follows:

Application to O.M.B.

(2) Either party may at any time apply to the Municipal Board for a modification of the terms of the agreement or order.

R.S.O. 1960, c. 249, s. 514, re-enacted

36. Section 514 of *The Municipal Act* is repealed and the following substituted therefor:

Present corporation continued

514. Where the trustees of a police village have heretofore been created a body corporate, the corporation is hereby continued under its present name until dissolved.

R.S.O. 1960, c. 249, s. 522, amended

37. Section 522 of *The Municipal Act* is amended by adding thereto the following subsection:

Remuneration of trustees

(1*a*) The trustees appointed under subsection 1 shall be deemed to be members of a council under sections 405 and 406, and the chariman shall be deemed to be a head of a council under section 212.

Commencement

38.—(1) This Act, except sections 17 and 37, comes into force on the day it receives Royal Assent.

Idem

(2) Section 37 shall be deemed to have come into force on the 1st day of January, 1965.

Idem

(3) Section 17 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

39. This Act may be cited as *The Municipal Amendment Act, 1965*.

SECTION 34. The sections repealed provided for the formation of police villages.

SECTION 35. Disputes between a police village and a township respecting agreements for the reduction of the township rate for general purposes are now dealt with by the county judge. The amendment provides that such disputes shall hereafter go to the Municipal Board.

SECTION 36. Section 514 provides for the incorporation of trustees of a police village. As no new police villages may be formed because of the repeal of sections 487 to 490, the present corporations are continued until dissolved.

SECTION 37. The amendment authorizes trustees of an improvement district to pass by-laws, which are subject to the approval of the Department, for either paying themselves a remuneration for attendance at meetings or an annual allowance, and for paying the chairman as if he were a head of council.

1st Reading

May 18th, 1965

2nd Reading

3rd Reading

MR. SPOONER

1965

BILL 146

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Municipal Act

MR. SPOONER

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

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Explanatory Notes

Section 1. The definition of "published" is revised. It was recently held that publication in a newspaper that had general circulation but that was not published in the municipality was not sufficient, as the definition required publication in the municipality or in an adjacent or neighbouring municipality.

Section 2. The new subsections provide that, where a ward system is established and the police villages are contained in separate wards, the police villages are automatically dissolved. The Municipal Board, in dividing the township into wards, can also provide for the composition of the council so as to give adequate representation to the former police villages on the council. Provision is also made for a petition of electors of a ward in a township in which a police village is dissolved to require the council to provide certain works or services in the ward that the council is authorized to provide on an area basis.

BILL 146 **1965**

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *q* of section 1 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 1, cl. *q*, re-enacted

(*q*) "published" means published in a daily or weekly newspaper that, in the opinion of the clerk of the municipality, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning.

2. Section 13 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1962-63*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 249, s. 13 (1962-63, c. 87, s. 1), amended

(5) Where a township containing one or more police villages is hereafter divided into wards under this section and the boundaries of the wards are such that the police village is within the boundaries of a ward or, where there is more than one police village, each of such police villages is within the boundaries of a different ward, each such police village is dissolved as of the date when the division into wards takes effect, and the provisions of section 25 apply *mutatis mutandis*. Dissolution of police villages

(6) The Municipal Board, before making any order for the division or redivision into wards of a township containing one or more police villages, shall hold a public hearing in the municipality, after such notice thereof has been given as the Municipal Board may direct, for the purpose of inquiring into the merits of the application and the hearing of any objections that any persons may desire to bring to the attention of the Municipal Board. O.M.B. hearing

Power of O.M.B. re composition of council

(7) Notwithstanding subsections 1, 2, 4, 5, 6, 7 and 8 of section 31 or any special Act, where a township containing one or more police villages is hereafter divided or redivided into wards, the Municipal Board may, in any order dividing or redividing the township into wards or by subsequent order or orders, make all such provisions for the composition of the council of the township as it may deem necessary or desirable, provided that there shall be a reeve to be elected by general vote and at least one councillor to be elected for each ward and one or more deputy reeves to be elected by general vote or appointed by the council from its own members.

Petition for works or services in wards

(8) A petition of 100 electors of a ward in a township in which a police village was dissolved under subsection 5 may be presented to the council of the township for the exercise of any of its powers to provide works or services in the ward of the kind that may be provided to a police village under section 502 and that may be lawfully provided within a defined area in the township and the whole cost of which may be charged to such area, and, if the council,

(*a*) where no approval of any other authority is required, refuses or neglects to exercise such powers within ninety days; or

(*b*) where approval of some other authority is required, does not make the necessary application for such approval within sixty days; or

(*c*) where the required approval has been obtained, does not exercise its powers within thirty days of the receipt of such approval,

the petitioners or any of them may appeal to the Municipal Board, and the Municipal Board shall hear the appeal, after such notice has been given as the Municipal Board may direct, and may dismiss the appeal or direct the council to pass a by-law or by-laws in accordance with its order.

R.S.O. 1960, c. 249, s. 14, subs. 10, cl. *i*, re-enacted

3. Clause *i* of subsection 10 of section 14 of *The Municipal Act* is repealed and the following substituted therefor:

(*i*) where by reason of any annexation order made under this section the taxable assessment of a local municipality is reduced by not less than 15 per cent as shown by the last revised assessment roll prior to

SECTION 3. The amendment authorizes compensating grants to be made in respect of a school board as well as of a municipality.

SECTION 4. The new subsection 6 is to make it clear that, when a police village is dissolved or part is detached by reason of being included in part of a township erected into a town or city, the adjustment of assets and other matters is the same as when an application is made to the Municipal Board for the dissolution of a police village.

SECTION 5. The amendment is complementary to section 2 of this Bill providing for the dissolution of police villages. The new clauses authorize the Ontario Municipal Board to provide for the matters set out therein.

SECTION 6. The amendment provides that a member of council is not disqualified by reason of receiving remuneration as a member of a planning board under section 7*a* of *The Planning Act*.

the effective date of such annexation, authorize and direct the payment to such municipality or to a school board thereof by the annexing municipality or a school board thereof, to relieve such municipality or school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation in such amounts and manner as may be agreed upon between the municipalities and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board may deem equitable.

4. Section 17 of *The Municipal Act*, as amended by section 3 of *The Municipal Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 17, amended

(6) Where a township or part of a township in which a police village is situate is erected into a town or city, the police village or part of the police village within such township or part of a township is dissolved or detached, as the case may be, and clauses *d*, *e*, *ea* and *h* of subsection 7 of section 25 and subsection 8 of section 25 apply *mutatis mutandis*. Dissolution of police village included in area erected into town or city

5. Subsection 7 of section 25 of *The Municipal Act* is amended by adding thereto the following clauses: R.S.O. 1960, c. 249, s. 25, subs. 7, amended

(*ea*) upon the dissolution of a police village, provide for the maintenance of any works or services previously provided within the police village by the trustees of the police village, pursuant to the provisions of any Act, upon such terms and conditions as it may deem necessary or desirable, and subsections 10*a*, 10*b* and 10*c* of section 14 apply *mutatis mutandis*;

(*eb*) upon the dissolution of a police village, provide for the continued operation of any local hydro-electric system previously established by the trustees of the police village under section 69 of *The Power Commission Act* and for the transfer to the council of the township of the control and management of works established for the distribution of power in the area of such police village. R.S.O. 1960, c. 300

6. Clause *r* of subsection 1 of section 35 of *The Municipal Act*, as amended by subsection 1 of section 3 of *The Municipal Amendment Act, 1962-63*, is further amended by inserting after "409" in the sixth line "or under section 7*a* of *The Planning Act*", so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 35, subs. 1, cl. *r*, amended

(*r*) a person who, either himself or by or with or through another, has any claim, action or proceeding against the corporation, but this clause does not apply with respect to any moneys paid or payable to a member of a council under section 203, 212, 405, 406, 407 or 409 or under section 7*a* of *The Planning Act* or with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*.

R.S.O. 1960, cc. 296, 23, 223

R.S.O. 1960, c. 249, s. 41, amended

7. Section 41 of *The Municipal Act* is amended by striking out "section 119" in the second line and inserting in lieu thereof "section 121", so that the section shall read as follows:

Clerk may give a casting vote only

41. The clerk of the municipality is not entitled to vote except to give a casting vote as provided by section 121.

R.S.O. 1960, c. 249, s. 48, subs. 1, amended

8. Subsection 1 of section 48 of *The Municipal Act* is amended by adding "or" at the end of clause *c* and by adding thereto the following clause:

(*d*) a statutory declaration that he is qualifying in respect of land of which he is a tenant where the taxes in respect of the land are under the terms of tenancy payable by the owner of the land and that the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

R.S.O. 1960, c. 249, s. 60, subs. 4, amended

9. Subsection 4 of section 60 of *The Municipal Act* is amended by striking out "shall" in the second line and inserting in lieu thereof "may", so that the subsection shall read as follows:

Constable may attend each such polling place

(4) The board of commissioners of police or the chief constable may cause one or more constables or clerks, as the case may be, to attend at each polling place in a schoolhouse or public building in which an election is being held, there to perform the duties required by this Act of a constable appointed by the returning officer.

R.S.O. 1960, c. 249, s. 119, subs. 3, repealed

10. Subsection 3 of section 119 of *The Municipal Act* is repealed.

R.S.O. 1960, c. 249, s. 121, subs. 11, re-enacted

11. Subsection 11 of section 121 of *The Municipal Act* is repealed and the following substituted therefor:

When clerk to have casting vote

(10*a*) If the certificate of the result of the recount shows that the candidates have an equal number of votes, the clerk shall forthwith after receiving the certificate give a vote for one or more of the candidates so as to decide the election.

SECTION 7. The amendment is complementary to section 11 of this Bill.

SECTION 8. Under section 48, a candidate for office is required to file a declaration of notification, one of the requirements of which is a certificate of the treasurer that there are no unpaid taxes for any preceding year against the land in respect of which he is qualified.

Section 48 is amended to provide for the situation of a tenant where, under the terms of the tenancy, the taxes are payable by the owner. The amendment brings section 48 in line with clause *t* of subsection 1 of section 35, as amended in 1961-62.

SECTION 9. Under the present legislation, it is mandatory that a constable or clerk attend each polling place in a schoolhouse or public building. The amendment makes the provision permissive.

SECTION 10. The amendment is complementary to section 11 of this Bill.

SECTION 11. Under the present legislation, the provision for the clerk casting a deciding ballot applies only where there has been a tie on the original count and does not apply in a recount where one of the candidates was declared to be elected. The amendment provides for the clerk to give a casting vote where there is a tie vote following any recount.

SECTION 12. The amendment is to ensure that the number of members of a council cannot be reduced to less than a quorum.

SECTION 13. As the present section now reads, a councillor is not prohibited from voting on a by-law that fixes his allowance for attendance at meetings of council or its committees. There is some doubt that this exception applies to voting on an annual allowance under section 406. The amendment is to make it clear that voting on an annual allowance under section 406 is also excepted.

SECTION 14. The amendment authorizes towns of not less than 45,000 to provide for a board of control.

(11) Upon the result of the recount or re-addition being ascertained under subsection 10 or 10*a*, the clerk shall declare elected the candidate so ascertained as having the greatest number of votes, and such declaration shall be deemed for all purposes to have been substituted for the prior declaration made under section 118 if it is different from such prior declaration. Clerk's declaration of result

12. Section 146 of *The Municipal Act* is amended by adding at the end thereof "and may not resign his office and his seat in council if his resignation would reduce the number of the members of the council to less than a quorum", so that the section shall read as follows: R.S.O. 1960, c. 249, s. 146, amended

146. A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council, but he shall not vote on a motion as to his own resignation, and may not resign his office and his seat in council if his resignation would reduce the number of the members of the council to less than a quorum. Resignation of member with consent of council

13. Section 198 of *The Municipal Act* is amended by adding at the end thereof "or to annual allowances to members of council", so that the section shall read as follows: R.S.O. 1960, c. 249, s. 198, amended

198. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this does not apply to allowances for attendance at meetings of the council or its committees or to annual allowances to members of council. Prohibition as to member voting to appoint himself to office

14. Subsection 1 of section 202 of *The Municipal Act*, as re-enacted by section 26 of *The Municipal Amendment Act, 1961-62* and amended by section 4 of *The Municipal Amendment Act, 1964*, is further amended by inserting after "cities" in the first line "or towns", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 249, s. 202 (1961-62, c. 86, s. 26), subs. 1, amended

(1) In cities or towns having a population of not less than 45,000 and in other local municipalities having a population of not less than 100,000, the council may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law, In cities or towns of not less than 45,000 and other local municipalities of not less than 100,000

. . . . .

R.S.O. 1960, c. 249, s. 216, subs. 3, amended

15. Subsection 3 of section 216 of *The Municipal Act* is amended by inserting after "hand" in the third line "and under the seal of the corporation" and by inserting after "proof" in the fourth line "of the seal or", so that the subsection shall read as follows:

Copies certified by clerk to be receivable in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and under the seal of the corporation may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

R.S.O. 1960, c. 249, s. 223*a* (1961-62, c. 86, s. 32), re-enacted

16. Section 223*a* of *The Municipal Act*, as enacted by section 32 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Publication of financial statement, etc.

223*a*.—(1) The treasurer of every local municipality in every year shall, within one month after receiving the audited financial statements of the municipality, cause to be published or to be mailed or delivered to each ratepayer a copy of the balance sheet or sheets and the corresponding statements of surplus as of the 31st day of December of the preceding year and the statement of revenue and expenditure for the preceding year, all as certified by the auditor, or a summary thereof, in such form as the Department may prescribe, together with a copy of the report of the auditor.

Inclusion with tax notice

(2) Where a tax notice is mailed to each ratepayer before the 30th day of June, the treasurer may, in lieu of publishing, mailing or delivering a copy or summary and the report under subsection 1, include with such notice the copy or summary and the report.

Publication of information

(3) The council of a municipality may cause to be published in a newspaper having general circulation in the municipality or to be mailed or delivered to each ratepayer in the municipality such information concerning the activities of the municipality as, in the opinion of the council, would be of interest to the ratepayers.

R.S.O. 1960, c. 249, amended

17. *The Municipal Act* is amended by adding thereto the following section:

SECTION 15. The amendment is for clarification and to make the wording similar to subsection 4 of section 253, which provides for certified copies of by-laws.

SECTION 16. Under the present legislation, the treasurer is required, within one month after receiving the audited financial statement of the municipality, to either publish a copy of it in the newspaper or mail a copy to every ratepayer in the municipality. The section, as revised, provides that, where the tax notice is mailed to each ratepayer prior to the 30th day of June, the audited financial statement may be enclosed with it. Also, municipalities are authorized to mail or publish a summary of the audited financial statement in a form approved by the Department rather than the full financial statement.

SECTION 17. Self-explanatory.

SECTION 18. Subsection 1 of section 228 is amended to provide that municipal auditors are not required to audit the accounts of school boards established by the Minister on lands owned by the Crown.

SECTION 19. Self-explanatory.

SECTION 20. This section at the present time provides that municipalities shall not destroy any records whatsoever without the specific approval of the Department. As revised, the section authorizes municipalities to set up schedules for retaining documents for a certain period of time, which schedules will require the approval of the municipal auditor.

226*a*. The council of a municipality shall appoint as assessor, assessment commissioner, county assessment commissioner or a member of a board of assessors only a person who is licensed by the Department as a municipal assessor. Only licensed assessors to be appointed

18. Subsection 1 of section 228 of *The Municipal Act* is amended by adding at the end thereof "except school boards established under section 12 of *The Public Schools Act*, subsection 5 of section 12 of *The Secondary Schools and Boards of Education Act* or subsection 4*a* of section 51 of *The Secondary Schools and Boards of Education Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 228, subs. 1, amended

(1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council, and every person so appointed shall, in addition to his duties in respect of the corporation, audit the accounts and transactions of every local board as defined in *The Department of Municipal Affairs Act*, except school boards established under section 12 of *The Public Schools Act*, subsection 5 of section 12 of *The Secondary Schools and Boards of Education Act* or subsection 4*a* of section 51 of *The Secondary Schools and Boards of Education Act*. Appointment of auditors R.S.O. 1960, cc. 98, 330, 362

19. Section 247 of *The Municipal Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 247, amended

(1*a*) The power to license, regulate or govern places or things includes a power to license, regulate or govern the trades, callings or businesses for which such places or things are used and the persons carrying on or engaged in them. Power to license or regulate places or things includes power to license and regulate trades, etc.

20. Section 248*b* of *The Municipal Act*, as enacted by section 36 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 248*b* (1961-62, c. 86, s. 36), re-enacted

248*b*. A municipality or a local board thereof, as defined in *The Department of Municipal Affairs Act*, except a school board, shall not destroy any of its receipts, vouchers, instruments, rolls or other documents, records and papers except, Destruction of documents R.S.O. 1960, c. 98

(*a*) after having obtained the approval of the Department; or

(*b*) in accordance with a by-law passed by the municipality and approved by the auditor of the municipality establishing schedules of retention periods during which the receipts, vouchers, instruments, rolls or other documents, records and papers must be kept by the municipality or local board.

R.S.O. 1960, c. 249, s. 248*c*, subs. 3 (1964, c. 68, s. 5), re-enacted

21. Subsection 3 of section 248*c* of *The Municipal Act*, as re-enacted by section 5 of *The Municipal Amendment Act, 1964*, is repealed and the following substituted therefor:

Vesting upon transfer from pension fund

(3) Notwithstanding any general or special Act, where an employee of a municipality or of a local board as defined in paragraph 59 of section 377, on or after the 1st day of March, 1948,

(*a*) has been contributing to a pension, superannuation or benefit fund or plan established under any general or special Act, excluding a pension fund established under *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*; and

R.S.O. 1960, cc. 392, 301, 332

(*b*) terminates his employment with the municipality or local board; and

(*c*) without intervening employment, becomes a member of the civil service of Ontario or Canada, the civic service of any other municipality or local board or the staff of any board, commission or public institution established under any Act of the Legislature,

he is entitled, in lieu of a refund of his contributions to the fund or plan plus any interest thereon, to the pension benefits and any other benefits that would be payable under the fund or plan in respect of his employment with the municipality or local board to the date of such termination as if he continued in such employment until his death or retirement age, and such municipality or local board shall authorize, on the request of the employee, the transfer of a sum of money equal to the larger of,

(*d*) the contributions made by the employee under the fund or plan, plus any interest thereon; or

(*e*) the present value, calculated as of the date of the transfer of such sum of money on the basis of generally accepted actuarial methods,

SECTION 21. The provisions respecting the transfer of pension funds are revised for the purposes of clarification.

SECTION 22. It frequently occurs in defined areas that there are erected large buildings, such as hospitals, schools and other types of buildings that are exempt from taxation, and, since the entire cost of the work is levied on the rateable property in the defined area, the result is that the owners of property in the area are now assuming the part of the cost of the work that is attributable to these exempt buildings, although such things as a hospital and a school are for the benefit of the whole municipality. Section 248*d* provides that the municipality shall bear the cost of such exempt lands.

SECTION 23. As the present section now stands, it applies only to works of local municipalities. The section is extended to include all undertakings and projects and to apply to counties as well as to local municipalities.

SECTION 24. Section 272 is revised to provide a workable method by which the counties may obtain the assent of the electors to county by-laws.

of the pension benefits and any other benefits under the fund or plan to which the employee is entitled as provided in this subsection,

to any fund or plan maintained to provide pension benefits for members of such civil or civic service or staff of which the employee has become a member, provided such a transfer is permitted under the terms of the fund or plan to which the transfer is to be made.

22. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960, c. 249, amended

248*d*. Where, after the 1st day of June, 1965, a by-law under paragraph 52 of subsection 1 of section 379 or section 380 is passed imposing a special rate or levy within a defined area and there are in such defined area lands as defined in *The Assessment Act* that are exempt from taxation, that part of the cost of the work for which the special rate or levy is made that would be chargeable to such exempt lands if they were not exempt from taxation shall be levied against all the rateable property in the municipality. Special rates re exempt lands in defined areas; R.S.O. 1960, c. 23

23. Section 250*a* of *The Municipal Act*, as enacted by section 37 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, 250*a* (1961-62, c. 86, s. 37), re-enacted

250*a*. The council of a municipality may pass by-laws for entering into and performing any agreement with any other council for fulfilling, executing or completing, at their joint expense and for their joint benefit, any undertaking, work or project within the jurisdiction of the council. Joint works and undertakings

24. Section 272 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 272, re-enacted

272.—(1) Where the by-law is proposed to be passed by a county council, the council may fix a day or may prescribe the days on which municipal elections are to be held in the local municipalities in the county as the day or days for obtaining the assent or opinion of the electors, in which event the local municipalities shall submit the proposed by-law to their respective electors accordingly, and the clerk of each local municipality shall, upon the expiry of the time for applying for a scrutiny of the vote under section 273 or, where there has been such an application, on the disposition of it by the judge, forthwith certify the Procedure in case of county by-law

result of the vote in his local municipality to the clerk of the county who shall certify to the county council the number of votes cast for and against the by-law.

When by-law deemed to have assent

(2) A by-law of a county shall be deemed to have been assented to by the electors if a majority of the votes cast in all the local municipalities is in favour of the by-law.

R.S.O. 1960, c. 249, s. 286, subs. 2, cl. *k*, amended

25. Clause *k* of subsection 2 of section 286 of *The Municipal Act* is amended by striking out "section 11" in the second line and inserting in lieu thereof "section 17", so that the clause shall read as follows:

R.S.O. 1960, c. 201

(*k*) agreements respecting juvenile and family courts under section 17 of *The Juvenile and Family Courts Act*.

R.S.O. 1960, c. 249, s. 377, par. 9, re-enacted

26.—(1) Paragraph 9 of section 377 of *The Municipal Act* is repealed and the following substituted therefor:

Establishment of air harbours or landing grounds

9. For establishing or for granting aid to the establishment of air harbours or landing grounds in compliance with the *Air Regulations* (Canada), and for granting aid for aeronautical research work and for the development and general advancement of the science of aeronautics and the use of aircraft, and for entrusting the control and management of any air harbour or landing ground so established to a commission appointed by the council.

(*a*) For the purposes of this paragraph, the council of a local municipality may acquire land in the municipality or in an adjacent or an adjoining municipality or in any adjacent or adjoining territory without municipal organization, or may acquire by lease or otherwise an existing air harbour or landing ground in any municipality or in territory without municipal organization.

R.S.O. 1960, c. 249, s. 377, par. 63, amended

(2) Paragraph 63 of the said section 377 is amended by striking out "where there is no board of park management" in the third and fourth lines and inserting in lieu thereof "in respect of lands acquired for any of such purposes that are not under the general management, regulation and control of a board of park management", so that the paragraph, exclusive of the clauses, shall read as follows:

SECTION 25. The amendment is to correct a reference.

SECTION 26—Subsection 1. At the present time, this paragraph provides for the granting of aid by municipalities for the establishment of air harbours or landing grounds and also provides for the councils of two or more municipalities to establish their own air harbour or landing ground and for these municipalities to establish a commission to operate the air harbour or landing ground. The amendment is to permit a single municipality to establish and operate an air harbour and to entrust its operation to a commission.

Subsection 2. The paragraph as it now reads gives the council the authority to exercise the powers of park boards only when there is no park board. The amendment gives the council the right to exercise the powers of park boards in respect of lands that were not acquired under *The Public Parks Act* but were acquired by the municipality under general legislation.

Subsection 3. It sometimes occurs that, after a parking lot has been established and the charges levied against a certain area that is limited by reason of such area being zoned commercial, the commercial area may be extended by an amendment to a zoning by-law so that the parking lot then benefits this extended area. Under the present legislation, there is no way by which the special charges can be levied on the extended area, and the amendment is merely to provide for a re-apportionment of the cost.

Subsection 4. The provisions respecting licensing, etc., of lodging houses are transferred from paragraph 134 of subsection 1 of section 379 in order to extend the powers to counties. The provisions are revised to make it clear that nursing homes are included.

63. For acquiring land for and establishing and laying out public parks, squares, avenues, boulevards and drives in the municipality or in any adjoining local municipality and, in respect of lands acquired for any of such purposes that are not under the general management, regulation and control of a board of park management, for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act.* Acquiring land for parks, etc. R.S.O. 1960, c. 329

. . . . . .

(3) Paragraph 67 of the said section 377, as amended by subsection 4 of section 15 of *The Municipal Amendment Act, 1962-63*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 249, s. 377, par. 67, amended

(*h*) Where a by-law has been passed under this paragraph, which provides that the capital cost or any part thereof shall be levied against the lands in a defined area under clause *g*, and the council is of the opinion that lands in any other area or areas have begun or may begin to derive a special benefit therefrom because of the passing, subsequent to the effective date of the by-law imposing the levy, of a by-law or amendment to a by-law under section 30 of *The Planning Act*, the council may, by a further by-law passed with the approval of the Municipal Board, define the area or areas in which lands have begun or may begin to derive such special benefit and re-apportion the balance of such costs mentioned in subclause i of clause *g* and amend the schedule to the first-mentioned by-law so that such costs shall be apportioned against each parcel of land in all the defined areas that derive or that have begun or begin to derive such special benefit. Enlargement of defined area against which cost may be levied R.S.O. 1960, c. 296

(4) The said section 377 is amended by adding thereto the following paragraph: R.S.O. 1960, c. 249, s. 377, amended

71. For licensing, regulating and governing lodging houses and the keepers of lodging houses, and for revoking any such licence. Lodging houses

(*a*) In this paragraph, "lodging house" means a nursing home and any house or other building or portion thereof in which persons are harboured, received or lodged for hire, but does not include a hotel, hospital, home for

the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any other general or special Act.

(*b*) A by-law passed under this section may provide for the licensing, regulating and governing of any class or classes of lodging house or lodging-house keepers, and may provide for the issue and revocation of licences for any class or classes of lodging house by the local board of health and for prohibiting the use of premises licensed under the by-law, except for the purposes for which the licence was issued, and may fix the licence fee for any class or classes of lodging house in accordance with a scale for each class or the number of inmates permitted in the lodging house.

(*c*) A by-law of a county passed under this paragraph has no force in any local municipality in which a by-law passed by such local municipality is in force in respect of the same class or classes of lodging house.

R.S.O. 1960, c. 249, s. 379, subs. 1, amended

27.—(1) Subsection 1 of section 379 of *The Municipal Act* is amended by adding thereto the following paragraph:

Restricting number of animals that may be kept

1*a*. For restricting the number of domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes or other animals that may be kept by any person within the municipality or defined areas thereof.

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 49, re-enacted

(2) Paragraph 49 of subsection 1 of the said section 379, as amended by subsections 1, 2 and 3 of section 42 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Industrial sites

49. On the vote of three-fourths of all the members of the council, for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and of industrial operations and uses incidental thereto.

Application of receipts where debt outstanding

(*a*) Where land has been acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph, and any debt is outstanding in respect of the acquisition of the land or in

SECTION 27—Subsection 1. The present legislation provides for regulating or prohibiting the keeping of domestic animals within a municipality. These provisions do not, however, permit municipalities to restrict the number of animals that a person may keep. The new paragraph 1*a* will allow municipalities to limit the number of domestic animals that a person may keep within the municipality.

Subsection 2. Under the present paragraph 49, a municipality may, either with the assent of the electors or the approval of the Department, acquire or expropriate industrial sites, and thereafter any sale or disposition of the lands so acquired must be approved by the Department.

Paragraph 49, as revised, provides for the acquisition and sale of land for industrial sites on a three-fourths vote of all the members of the council instead of the approval of the Department, but such approval is required when the land is no longer required as industrial site land and is otherwise disposed of.

Subsection 3. At present, if a franchise is to be given that relates only to a particular area, the assent of the electors throughout the whole municipality is required. The amendment would permit taking a vote in the area to which a bus franchise granted under paragraph 88 is applicable.

Subsection 4. Local municipalities are authorized to pass by-laws in accordance with paragraph 105*a*.

respect of any services applied to the land, other than services supplied under *The Local Improvement Act*, all moneys received from the sale or lease of such land shall be used to retire the debt or shall be set aside as a fund to provide for the retirement of the debt unless the Department, upon the request of the council, approves the use of any of such moneys for another purpose; and, when the debt is retired or the amount in the fund is sufficient to provide for the complete retirement of the debt, the balance of such moneys on hand and any such moneys received thereafter shall be credited to the general funds of the municipality. R.S.O. 1960, c. 223

(*b*) Any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph may be used by the municipality for the purposes of the municipality or may be sold to any local board, as defined in *The Department of Municipal Affairs Act*, for the purposes of such board. Use of land by municipality or sale to local board R.S.O. 1960, c. 98

(*c*) Where it appears to the council that any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph is no longer required for the purposes for which it was acquired or for the use of the municipality, the council may, with the approval of the Department, sell or dispose of the whole or any part of such lands for any purpose. Disposal of land when no longer required

(3) Paragraph 88 of subsection 1 of the said section 379 is amended by adding thereto the following clause: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 88, amended

(*e*) It is sufficient compliance with subsection 1 of section 3 of *The Municipal Franchises Act* if a by-law passed under this paragraph receives the assent of the municipal electors in the defined area. R.S.O. 1960, c. 255

(4) Subsection 1 of the said section 379 is further amended by adding thereto the following paragraph: R.S.O. 1960, c. 249, s. 379, subs. 1, amended

105*a*. For prohibiting the driving of a vehicle in a race and the driving of a vehicle at a speed in excess of 15 miles per hour on privately-owned parking lots upon which the public is invited to park vehicles, except privately-owned parking lots where a fee is charged for the privilege of parking vehicles. Racing and speeding on parking lots

R.S.O. 1960, c. 172

(*a*) In this paragraph, "vehicle" means a vehicle as defined in *The Highway Traffic Act*.

(*b*) A by-law passed under this paragraph applies only to parking lots in respect of which the owner has filed with the clerk of the corporation written consent to the application of the by-law to his particular parking lot.

(*c*) No such by-law is effective in respect of a parking lot unless there is erected at each entrance thereto a sign clearly indicating the speed limit for vehicles and the prohibition against the racing of vehicles.

R.S.O. 1960, c. 249, s. 379, subs. 1, amended

(5) Subsection 1 of the said section 379 is further amended by adding thereto the following paragraph:

Car washes

129*a*. For licensing, regulating and governing the owners or operators of car washes, and for revoking such licences.

(*a*) For the purpose of this paragraph, a car wash means a building or place where motor vehicles are washed, cleaned or polished for a fee or charge.

(*b*) This paragraph does not apply to an owner or operator licensed under a by-law passed under paragraph 127 or 128.

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 134, repealed

(6) Paragraph 134 of subsection 1 of the said section 379 is repealed.

R.S.O. 1960, c. 249, s. 379*a* (1961-62, c. 86, s. 43), amended

28.—(1) Section 379*a* of *The Municipal Act*, as enacted by section 43 of *The Municipal Amendment Act, 1961-62* and amended by section 10 of *The Municipal Amendment Act, 1964*, is further amended by adding thereto the following subsections:

Principal trade

(1*a*) Where two or more classes of trades are carried on in a shop and at least 70 per cent of the total gross sales of the shop is derived from one trade, such trade is the principal trade carried on in the shop, and the class of such shop shall be determined in relation to such principal trade.

Gross sales

(1*b*) Where it is alleged that any person has contravened in any month any provision of a by-law passed under this section, the total gross sales of the shop for the purpose of determining the principal trade, if any,

Subsection 5. Under existing legislation, car washes are included under the definitions of public garages and service stations. The new paragraph authorizes local municipalities to license and regulate owners and operators of car washes that are not carried on in conjunction with garages or service stations.

Subsection 6. The provision respecting the licensing, etc., of lodging houses is transferred to section 377 and extended to counties. See section 26 (4) of this Bill.

SECTION 28. The amendments,

(1) provide for the determination of principal trade by relation to total gross sales,

(2) authorize the closing of shops on holidays,

(3) clarify the power to pass by-laws to define by way of exception the classes of shops to be closed.

SECTION 29. The new section 379*d* provides that by-laws providing for the closing of shops do not apply to service centres established on controlled-access highways.

The new section 379*e* provides for the making of special charges in relation to buildings that impose or may impose a heavy load on the sewer system or water system of a municipality by reason of which expenditures are or may be required to provide additional sewer or water supply capacity.

carried on therein is the total dollar volume of gross sales of goods and services made, whether for cash or credit or part cash and part credit, by any person in the whole of the shop in the preceding twelve months, and, if the shop has been in operation for less than twelve months, is the total dollar volume of gross sales of goods and services made, whether for cash or credit or part cash and part credit, by any person in the whole of the shop in the preceding month or months in which the shop was operated.

. . . . .

Closing of shops on holidays

(5*a*) The council of a city, town or village may by by-law require that all or any class or classes of shops in the municipality shall be closed and remain closed on all or any of the following days:

1. Any holiday as defined in *The Interpretation Act*. R.S.O. 1960, c. 191
2. Boxing Day.
3. Any day proclaimed by the head of the council of a local municipality as a civic holiday.

R.S.O. 1960, c. 249, s. 379*a* (1961-62, c. 86, s. 43), subs. 8, re-enacted

(2) Subsection 8 of the said section 379*a* is repealed and the following substituted therefor:

Closing of shops in which several trades carried on

(8) A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours and days during which the shop is by any such by-law required to be closed for the purpose of any one of such trades, unless it is shown by the occupier or other person having control of the opening and closing of such shop that, by reason of the principal trade being carried on in such shop, the shop is one of a class of shops that by the by-law is not required to be closed.

R.S.O. 1960, c. 249, s. 379*a* (1961-62, c. 86, s. 43), amended

(3) The said section 379*a* is further amended by adding thereto the following subsection:

Form of by-law

(17) Any by-law passed under this section may require all classes of shops to close during certain hours or days, or both, and may exempt therefrom any class or classes of shops.

R.S.O. 1960, c. 249, amended

29. *The Municipal Act* is amended by adding thereto the following sections:

Application of closing by-laws to service centres

379*d*. By-laws passed under section 379*a*, 379*b* or 379*c* do not apply to service centres established on controlled-access highways under agreement with the Minister of Highways.

Special charges to provide additional sewer or water supply capacity

379*e*.—(1) With the approval of the Municipal Board, councils of local municipalities may, by by-law, define the class or classes of buildings to be erected or enlarged after the effective date of the by-law that impose or may impose a heavy load on the sewer system or water system, or both, by reason of which expenditures are or may be required to provide additional sanitary or storm sewer or water supply capacity that in the opinion of a council would not otherwise be required, and may impose a special charge or charges over and above all other rates and charges to pay for all or part of the cost of providing the additional capacity.

Charges in by-law to refer to specific works

(2) The special charge or charges under any by-law shall refer specifically to sanitary sewers, storm sewers or water supply facilities, as the case may be.

Application of proceeds

(3) The proceeds of the charge or charges authorized by any such by-law shall be deemed to be a reserve fund established under section 298.

Charges a lien on land

(4) The by-law may provide that the charge or charges imposed under it are a lien upon the land on which the building is erected, and may be collected in the same manner and with the same remedies as provided by *The Assessment Act* for the collection of real property taxes.

R.S.O. 1960, c. 23

When charges may be made payable

(5) Any charge or charges to be imposed under the by-law may be made payable on an application for a building permit or at any time thereafter.

Exemptions

(6) The following are exempt from any charge or charges imposed under the by-law:

1. Every building on land exempt from taxation under any general or special Act.

2. Every building on land in respect of which an agreement has been entered into with the municipality under section 28 of *The Planning Act* or any predecessor thereof.

R.S.O. 1960, c. 296

3. Every building or any land in respect of which a contribution to provide sanitary or storm sewers or water supply facilities has been made within the ten years previous to the application for a building permit, to the extent of the contribution so made.

SECTION 30. This paragraph provides for the payment of a so-called licence fee by people who commence business, after the return of the assessment roll, in premises in which they are liable for business assessment. Its purpose was to enable municipalities to collect the equivalent of business tax in respect of people who are not assessed for business assessment. However, since this section was enacted, section 53 of *The Assessment Act* has been enacted and under this section the clerk is obliged to enter on the collector's roll anyone who commences business after the 1st day of January and the amount of his business assessment. Also, where there is a change from residential to commercial, the rate collected is the commercial rate. Paragraph 18 of section 401 is a duplication of what is contained in section 53 of *The Assessment Act* and is, therefore, repealed.

SECTION 31. Section 406 provides for payment of annual allowances to councillors, and subsection 4 presently provides that deductions must be made from annual allowances for absences from ordinary meetings of council. The subsection, as revised, is permissive.

SECTION 32. The provision for stopping up highways is amended to make it clear that a municipality may close a highway for a limited period or periods of time.

SECTION 33. The amendment authorizes municipalities to permit the owners of property abutting on sidewalks to install flower planters, etc., over or upon the sidewalks.

4. Every residential building having not more than two dwelling units.

5. Every building, other than a residential building, with an inside floor area of not more than 3,000 square feet.

30. Paragraph 18 of section 401 of *The Municipal Act* is repealed. R.S.O. 1960, c. 249, s. 401, par. 18, repealed

31. Subsection 4 of section 406 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 406, subs. 4, re-enacted

(4) A by-law passed under subsection 1 may provide for the deduction of a reasonable amount from the annual allowance because of absence from ordinary meetings of the council. Deduction for absence

32. Clause *c* of subsection 1 of section 459 of *The Municipal Act* is amended by adding at the end thereof "or for stopping up any highway or part of a highway for a specified period or periods of time", so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 459, subs. 1, cl. *c*, amended

(*c*) for stopping up any highway or part of a highway or for stopping up any highway or part of a highway for a specified period or periods of time.

33. Paragraph 3 of section 469 of *The Municipal Act* is amended by inserting after "sidewalks" in the ninth line "movable receptacles containing plants, shrubs or trees over or upon the sidewalks" and by inserting after "device" in the nineteenth line "receptacle", so that the paragraph, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 249, s. 469, par. 3, amended

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway, and for permitting the owners of land to maintain and use signs and other advertising devices that project over the sidewalks, movable receptacles containing plants, shrubs or trees over or upon the sidewalks and canopies that project over the sidewalks, for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and used, and for making such annual or other charge for the privilege con- Areas and openings under highways

ferred by the by-law as the council may deem reasonable, and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, receptacle or canopy, or otherwise as may be required by the by-law.

. . . . . .

R.S.O. 1960, c. 249, ss. 487-490, repealed

34. Section 487, section 488, as amended by section 56 of *The Municipal Amendment Act, 1961-62*, and sections 489 and 490 of *The Municipal Act* are repealed.

R.S.O. 1960, c. 249, s. 498, subs. 2, amended

35. Subsection 2 of section 498 of *The Municipal Act* is amended by striking out "judge" in the first line and inserting in lieu thereof "Municipal Board", so that the subsection shall read as follows:

Application to O.M.B.

(2) Either party may at any time apply to the Municipal Board for a modification of the terms of the agreement or order.

R.S.O. 1960, c. 249, s. 514, re-enacted

36. Section 514 of *The Municipal Act* is repealed and the following substituted therefor:

Present corporation continued

514. Where the trustees of a police village have heretofore been created a body corporate, the corporation is hereby continued under its present name until dissolved.

R.S.O. 1960, c. 249, s. 522, amended

37. Section 522 of *The Municipal Act* is amended by adding thereto the following subsection:

Remuneration of trustees

(1*a*) The trustees appointed under subsection 1 shall be deemed to be members of a council under sections 405 and 406, and the chairman shall be deemed to be a head of a council under section 212.

Commencement

38.—(1) This Act, except sections 17 and 37, comes into force on the day it receives Royal Assent.

Idem

(2) Section 37 shall be deemed to have come into force on the 1st day of January, 1965.

Idem

(3) Section 17 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

39. This Act may be cited as *The Municipal Amendment Act, 1965*.

SECTION 34. The sections repealed provided for the formation of police villages.

SECTION 35. Disputes between a police village and a township respecting agreements for the reduction of the township rate for general purposes are now dealt with by the county judge. The amendment provides that such disputes shall hereafter go to the Municipal Board.

SECTION 36. Section 514 provides for the incorporation of trustees of a police village. As no new police villages may be formed because of the repeal of sections 487 to 490, the present corporations are continued until dissolved.

SECTION 37. The amendment authorizes trustees of an improvement district to pass by-laws, which are subject to the approval of the Department, for either paying themselves a remuneration for attendance at meetings or an annual allowance, and for paying the chairman as if he were a head of council.

1st Reading

May 18th, 1965

2nd Reading

May 28th, 1965

3rd Reading

MR. SPOONER

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

1965

BILL 146

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Municipal Act

MR. SPOONER

(Reprinted as amended by the Committee of the Whole House)

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Explanatory Notes

Section 1. The definition of "published" is revised. It was recently held that publication in a newspaper that had general circulation but that was not published in the municipality was not sufficient, as the definition required publication in the municipality or in an adjacent or neighbouring municipality.

Section 2. The new subsections provide that, where a ward system is established and the police villages are contained in separate wards, the police villages are automatically dissolved. The Municipal Board, in dividing the township into wards, can also provide for the composition of the council so as to give adequate representation to the former police villages on the council. Provision is also made for a petition of electors of a ward in a township in which a police village is dissolved to require the council to provide certain works or services in the ward that the council is authorized to provide on an area basis.

BILL 146 **1965**

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *q* of section 1 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 1, cl. *q*, re-enacted

(*q*) "published" means published in a daily or weekly newspaper that, in the opinion of the clerk of the municipality, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning.

2. Section 13 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1962-63*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 249, s. 13 (1962-63, c. 87, s. 1), amended

(5) Where a township containing one or more police villages is hereafter divided into wards under this section and the boundaries of the wards are such that the police village is within the boundaries of a ward or, where there is more than one police village, each of such police villages is within the boundaries of a different ward, each such police village is dissolved as of the date when the division into wards takes effect, and the provisions of section 25 apply *mutatis mutandis*. Dissolution of police villages

(6) The Municipal Board, before making any order for the division or redivision into wards of a township containing one or more police villages, shall hold a public hearing in the municipality, after such notice thereof has been given as the Municipal Board may direct, for the purpose of inquiring into the merits of the application and the hearing of any objections that any persons may desire to bring to the attention of the Municipal Board. O.M.B. hearing

Power of O.M.B. re composition of council

(7) Notwithstanding subsections 1, 2, 4, 5, 6, 7 and 8 of section 31 or any special Act, where a township containing one or more police villages is hereafter divided or redivided into wards, the Municipal Board may, in any order dividing or redividing the township into wards or by subsequent order or orders, make all such provisions for the composition of the council of the township as it may deem necessary or desirable, provided that there shall be a reeve to be elected by general vote and at least one councillor to be elected for each ward and one or more deputy reeves to be elected by general vote or appointed by the council from its own members.

Petition for works or services in wards

(8) A petition of 100 electors of a ward in a township in which a police village was dissolved under subsection 5 may be presented to the council of the township for the exercise of any of its powers to provide works or services in the ward of the kind that may be provided to a police village under section 502 and that may be lawfully provided within a defined area in the township and the whole cost of which may be charged to such area, and, if the council,

(*a*) where no approval of any other authority is required, refuses or neglects to exercise such powers within ninety days; or

(*b*) where approval of some other authority is required, does not make the necessary application for such approval within sixty days; or

(*c*) where the required approval has been obtained, does not exercise its powers within thirty days of the receipt of such approval,

the petitioners or any of them may appeal to the Municipal Board, and the Municipal Board shall hear the appeal, after such notice has been given as the Municipal Board may direct, and may dismiss the appeal or direct the council to pass a by-law or by-laws in accordance with its order.

R.S.O. 1960, c. 249, s. 14, subs. 10, cl. *i*, re-enacted

3. Clause *i* of subsection 10 of section 14 of *The Municipal Act* is repealed and the following substituted therefor:

(*i*) where by reason of any annexation order made under this section the taxable assessment of a local municipality is reduced by not less than 15 per cent as shown by the last revised assessment roll prior to

SECTION 3. The amendment authorizes compensating grants to be made in respect of a school board as well as of a municipality.

SECTION 4. The new subsection 6 is to make it clear that, when a police village is dissolved or part is detached by reason of being included in part of a township erected into an urban municipality, the adjustment of assets and other matters is the same as when an application is made to the Municipal Board for the dissolution of a police village.

SECTION 5. The amendment is complementary to section 2 of this Bill providing for the dissolution of police villages. The new clauses authorize the Ontario Municipal Board to provide for the matters set out therein.

SECTION 6. The amendment provides that a member of council is not disqualified by reason of receiving remuneration as a member of a planning board under section 7*a* of *The Planning Act*.

the effective date of such annexation, authorize and direct the payment to such municipality or to a school board thereof by the annexing municipality or a school board thereof, to relieve such municipality or school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation in such amounts and manner as may be agreed upon between the municipalities and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board may deem equitable.

4. Section 17 of *The Municipal Act*, as amended by section 3 of *The Municipal Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 17, amended

(6) Where a township or part of a township in which a police village is situate is erected into an urban municipality, the police village or part of the police village within such township or part of a township is dissolved or detached, as the case may be, and clauses *d*, *e*, *ea* and *h* of subsection 7 of section 25 and subsection 8 of section 25 apply *mutatis mutandis*. Dissolution of police village included in area erected into an urban municipality

5. Subsection 7 of section 25 of *The Municipal Act* is amended by adding thereto the following clauses: R.S.O. 1960, c. 249, s. 25, subs. 7, amended

(*ea*) upon the dissolution of a police village, provide for the maintenance of any works or services previously provided within the police village by the trustees of the police village, pursuant to the provisions of any Act, upon such terms and conditions as it may deem necessary or desirable, and subsections 10*a*, 10*b* and 10*c* of section 14 apply *mutatis mutandis*;

(*eb*) upon the dissolution of a police village, provide for the continued operation of any local hydro-electric system previously established by the trustees of the police village under section 69 of *The Power Commission Act* and for the transfer to the council of the township of the control and management of works established for the distribution of power in the area of such police village. R.S.O. 1960, c. 300

6. Clause *r* of subsection 1 of section 35 of *The Municipal Act*, as amended by subsection 1 of section 3 of *The Municipal Amendment Act, 1962-63*, is further amended by inserting after "409" in the sixth line "or under section 7*a* of *The Planning Act*", so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 35, subs. 1, cl. *r*, amended

(*r*) a person who, either himself or by or with or through another, has any claim, action or proceeding against the corporation, but this clause does not apply with respect to any moneys paid or payable to a member of a council under section 203, 212, 405, 406, 407 or 409 or under section 7*a* of *The Planning Act* or with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*.

R.S.O. 1960, cc. 296, 23, 223

R.S.O. 1960, c. 249, s. 41, amended

7. Section 41 of *The Municipal Act* is amended by striking out "section 119" in the second line and inserting in lieu thereof "section 121", so that the section shall read as follows:

Clerk may give a casting vote only

41. The clerk of the municipality is not entitled to vote except to give a casting vote as provided by section 121.

R.S.O. 1960, c. 249, s. 48, subs. 1, amended

8. Subsection 1 of section 48 of *The Municipal Act* is amended by adding "or" at the end of clause *c* and by adding thereto the following clause:

(*d*) a statutory declaration that he is qualifying in respect of land of which he is a tenant where the taxes in respect of the land are under the terms of tenancy payable by the owner of the land and that the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

R.S.O. 1960, c. 249, s. 60, subs. 4, amended

9. Subsection 4 of section 60 of *The Municipal Act* is amended by striking out "shall" in the second line and inserting in lieu thereof "may", so that the subsection shall read as follows:

Constable may attend each such polling place

(4) The board of commissioners of police or the chief constable may cause one or more constables or clerks, as the case may be, to attend at each polling place in a schoolhouse or public building in which an election is being held, there to perform the duties required by this Act of a constable appointed by the returning officer.

R.S.O. 1960, c. 249, s. 119, subs. 3, repealed

10. Subsection 3 of section 119 of *The Municipal Act* is repealed.

R.S.O. 1960, c. 249, s. 121, subs. 11, re-enacted

11. Subsection 11 of section 121 of *The Municipal Act* is repealed and the following substituted therefor:

When clerk to have casting vote

(10*a*) If the certificate of the result of the recount shows that the candidates have an equal number of votes, the clerk shall forthwith after receiving the certificate give a vote for one or more of the candidates so as to decide the election.

SECTION 7. The amendment is complementary to section 11 of this Bill.

SECTION 8. Under section 48, a candidate for office is required to file a declaration of notification, one of the requirements of which is a certificate of the treasurer that there are no unpaid taxes for any preceding year against the land in respect of which he is qualified.

Section 48 is amended to provide for the situation of a tenant where, under the terms of the tenancy, the taxes are payable by the owner. The amendment brings section 48 in line with clause *t* of subsection 1 of section 35, as amended in 1961-62.

SECTION 9. Under the present legislation, it is mandatory that a constable or clerk attend each polling place in a schoolhouse or public building. The amendment makes the provision permissive.

SECTION 10. The amendment is complementary to section 11 of this Bill.

SECTION 11. Under the present legislation, the provision for the clerk casting a deciding ballot applies only where there has been a tie on the original count and does not apply in a recount where one of the candidates was declared to be elected. The amendment provides for the clerk to give a casting vote where there is a tie vote following any recount.

SECTION 12. The amendment is to ensure that the number of members of a council cannot be reduced to less than a quorum.

SECTION 13. As the present section now reads, a councillor is not prohibited from voting on a by-law that fixes his allowance for attendance at meetings of council or its committees. There is some doubt that this exception applies to voting on an annual allowance under section 406. The amendment is to make it clear that voting on an annual allowance under section 406 is also excepted.

SECTION 14. The amendment authorizes towns of not less than 45,000 to provide for a board of control.

(11) Upon the result of the recount or re-addition being ascertained under subsection 10 or 10*a*, the clerk shall declare elected the candidate so ascertained as having the greatest number of votes, and such declaration shall be deemed for all purposes to have been substituted for the prior declaration made under section 118 if it is different from such prior declaration. Clerk's declaration of result

12. Section 146 of *The Municipal Act* is amended by adding at the end thereof "and may not resign his office and his seat in council if his resignation would reduce the number of the members of the council to less than a quorum", so that the section shall read as follows: R.S.O. 1960, c. 249, s. 146, amended

146. A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council, but he shall not vote on a motion as to his own resignation, and may not resign his office and his seat in council if his resignation would reduce the number of the members of the council to less than a quorum. Resignation of member with consent of council

13. Section 198 of *The Municipal Act* is amended by adding at the end thereof "or to annual allowances to members of council", so that the section shall read as follows: R.S.O. 1960, c. 249, s. 198, amended

198. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this does not apply to allowances for attendance at meetings of the council or its committees or to annual allowances to members of council. Prohibition as to member voting to appoint himself to office

14. Subsection 1 of section 202 of *The Municipal Act*, as re-enacted by section 26 of *The Municipal Amendment Act, 1961-62* and amended by section 4 of *The Municipal Amendment Act, 1964*, is further amended by inserting after "cities" in the first line "or towns", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 249, s. 202 (1961-62, c. 86, s. 26), subs. 1, amended

(1) In cities or towns having a population of not less than 45,000 and in other local municipalities having a population of not less than 100,000, the council may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law, In cities or towns of not less than 45,000 and other local municipalities of not less than 100,000

. . . . .

R.S.O. 1960, c. 249, s. 216, subs. 3, amended

15. Subsection 3 of section 216 of *The Municipal Act* is amended by inserting after "hand" in the third line "and under the seal of the corporation" and by inserting after "proof" in the fourth line "of the seal or", so that the subsection shall read as follows:

Copies certified by clerk to be receivable in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and under the seal of the corporation may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

R.S.O. 1960, c. 249, s. 223*a* (1961-62, c. 86, s. 32), re-enacted

16. Section 223*a* of *The Municipal Act*, as enacted by section 32 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Publication of financial statement, etc.

223*a*.—(1) The treasurer of every local municipality in every year shall, within one month after receiving the audited financial statements of the municipality, cause to be published or to be mailed or delivered to each ratepayer a copy of the balance sheet or sheets and the corresponding statements of surplus as of the 31st day of December of the preceding year and the statement of revenue and expenditure for the preceding year, all as certified by the auditor, or a summary thereof, in such form as the Department may prescribe, together with a copy of the report of the auditor.

Inclusion with tax notice

(2) Where a tax notice is mailed to each ratepayer before the 30th day of June, the treasurer may, in lieu of publishing, mailing or delivering a copy or summary and the report under subsection 1, include with such notice the copy or summary and the report.

Publication of information

(3) The council of a municipality may cause to be published in a newspaper having general circulation in the municipality or to be mailed or delivered to each ratepayer in the municipality such information concerning the activities of the municipality as, in the opinion of the council, would be of interest to the ratepayers.

R.S.O. 1960, c. 249, amended

17. *The Municipal Act* is amended by adding thereto the following section:

SECTION 15. The amendment is for clarification and to make the wording similar to subsection 4 of section 253, which provides for certified copies of by-laws.

SECTION 16. Under the present legislation, the treasurer is required, within one month after receiving the audited financial statement of the municipality, to either publish a copy of it in the newspaper or mail a copy to every ratepayer in the municipality. The section, as revised, provides that, where the tax notice is mailed to each ratepayer prior to the 30th day of June, the audited financial statement may be enclosed with it. Also, municipalities are authorized to mail or publish a summary of the audited financial statement in a form approved by the Department rather than the full financial statement.

SECTION 17. Self-explanatory.

SECTION 18. Subsection 1 of section 228 is amended to provide that municipal auditors are not required to audit the accounts of school boards established by the Minister on lands owned by the Crown.

SECTION 19. Self-explanatory.

SECTION 20. This section at the present time provides that municipalities shall not destroy any records whatsoever without the specific approval of the Department. As revised, the section authorizes municipalities to set up schedules for retaining documents for a certain period of time, which schedules will require the approval of the municipal auditor.

226*a*. The council of a municipality shall appoint as assessor, assessment commissioner, county assessment commissioner or a member of a board of assessors only a person who is licensed by the Department as a municipal assessor. Only licensed assessors to be appointed

18. Subsection 1 of section 228 of *The Municipal Act* is amended by adding at the end thereof "except school boards established under section 12 of *The Public Schools Act*, subsection 5 of section 12 of *The Secondary Schools and Boards of Education Act* or subsection 4*a* of section 51 of *The Secondary Schools and Boards of Education Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 228, subs. 1, amended

(1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council, and every person so appointed shall, in addition to his duties in respect of the corporation, audit the accounts and transactions of every local board as defined in *The Department of Municipal Affairs Act*, except school boards established under section 12 of *The Public Schools Act*, subsection 5 of section 12 of *The Secondary Schools and Boards of Education Act* or subsection 4*a* of section 51 of *The Secondary Schools and Boards of Education Act*. Appointment of auditors R.S.O. 1960, cc. 98, 330, 362

19. Section 247 of *The Municipal Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 247, amended

(1*a*) The power to license, regulate or govern places or things includes a power to license, regulate or govern the trades, callings or businesses for which such places or things are used and the persons carrying on or engaged in them. Power to license or regulate places or things includes power to license and regulate trades, etc.

20. Section 248*b* of *The Municipal Act*, as enacted by section 36 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 248*b* (1961-62, c. 86, s. 36), re-enacted

248*b*. A municipality or a local board thereof, as defined in *The Department of Municipal Affairs Act*, except a school board, shall not destroy any of its receipts, vouchers, instruments, rolls or other documents, records and papers except, Destruction of documents R.S.O. 1960, c. 98

(*a*) after having obtained the approval of the Department; or

(*b*) in accordance with a by-law passed by the municipality and approved by the auditor of the municipality establishing schedules of retention periods during which the receipts, vouchers, instruments, rolls or other documents, records and papers must be kept by the municipality or local board.

R.S.O. 1960, c. 249, s. 248*c*, subs. 3 (1964, c. 68, s. 5), re-enacted

21. Subsection 3 of section 248*c* of *The Municipal Act*, as re-enacted by section 5 of *The Municipal Amendment Act, 1964*, is repealed and the following substituted therefor:

Vesting upon transfer from pension fund

(3) Notwithstanding any general or special Act, where an employee of a municipality or of a local board as defined in paragraph 59 of section 377, on or after the 1st day of March, 1948,

(*a*) has been contributing to a pension, superannuation or benefit fund or plan established under any general or special Act, excluding a pension fund established under *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*; and

R.S.O. 1960, cc. 392, 301, 332

(*b*) terminates his employment with the municipality or local board; and

(*c*) without intervening employment, becomes a member of the civil service of Ontario or Canada, the civic service of any other municipality or local board or the staff of any board, commission or public institution established under any Act of the Legislature,

he is entitled, in lieu of a refund of his contributions to the fund or plan plus any interest thereon, to the pension benefits and any other benefits that would be payable under the fund or plan in respect of his employment with the municipality or local board to the date of such termination as if he continued in such employment until his death or retirement age, and such municipality or local board shall authorize, on the request of the employee, the transfer of a sum of money equal to the larger of,

(*d*) the contributions made by the employee under the fund or plan, plus any interest thereon; or

(*e*) the present value, calculated as of the date of the transfer of such sum of money on the basis of generally accepted actuarial methods,

SECTION 21. The provisions respecting the transfer of pension funds are revised for the purposes of clarification.

SECTION 22. It frequently occurs in defined areas that there are erected large buildings, such as hospitals, schools and other types of buildings that are exempt from taxation, and, since the entire cost of the work is levied on the rateable property in the defined area, the result is that the owners of property in the area are now assuming the part of the cost of the work that is attributable to these exempt buildings, although such things as a hospital and a school are for the benefit of the whole municipality. Section 248*d* provides that the municipality shall bear the cost of such exempt lands.

SECTION 23. As the present section now stands, it applies only to works of local municipalities. The section is extended to include all undertakings and projects and to apply to counties as well as to local municipalities.

SECTION 24. Section 272 is revised to provide a workable method by which the counties may obtain the assent of the electors to county by-laws.

of the pension benefits and any other benefits under the fund or plan to which the employee is entitled as provided in this subsection,

to any fund or plan maintained to provide pension benefits for members of such civil or civic service or staff of which the employee has become a member, provided such a transfer is permitted under the terms of the fund or plan to which the transfer is to be made.

22. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960, c. 249, amended

Special rates re exempt lands in defined areas

248*d*. Where, after the 1st day of June, 1965, a by-law under paragraph 52 of subsection 1 of section 379 or section 380 is passed imposing a special rate or levy within a defined area and there are in such defined area lands as defined in *The Assessment Act* that are exempt from taxation, that part of the cost of the work for which the special rate or levy is made that would be chargeable to such exempt lands if they were not exempt from taxation shall be levied against all the rateable property in the municipality. R.S.O. 1960, c. 23

23. Section 250*a* of *The Municipal Act*, as enacted by section 37 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, 250*a* (1961-62, c. 86, s. 37), re-enacted

Joint works and undertakings

250*a*. The council of a municipality may pass by-laws for entering into and performing any agreement with any other council for fulfilling, executing or completing, at their joint expense and for their joint benefit, any undertaking, work or project within the jurisdiction of the council.

24. Section 272 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 272, re-enacted

Procedure in case of county by-law

272.—(1) Where the by-law is proposed to be passed by a county council, the council may fix a day or may prescribe the days on which municipal elections are to be held in the local municipalities in the county as the day or days for obtaining the assent or opinion of the electors, in which event the local municipalities shall submit the proposed by-law to their respective electors accordingly, and the clerk of each local municipality shall, upon the expiry of the time for applying for a scrutiny of the vote under section 273 or, where there has been such an application, on the disposition of it by the judge, forthwith certify the

result of the vote in his local municipality to the clerk of the county who shall certify to the county council the number of votes cast for and against the by-law.

When by-law deemed to have assent

(2) A by-law of a county shall be deemed to have been assented to by the electors if a majority of the votes cast in all the local municipalities is in favour of the by-law.

R.S.O. 1960, c. 249, s. 286, subs. 2, cl. *k*, amended

25. Clause *k* of subsection 2 of section 286 of *The Municipal Act* is amended by striking out "section 11" in the second line and inserting in lieu thereof "section 17", so that the clause shall read as follows:

R.S.O. 1960, c. 201

(*k*) agreements respecting juvenile and family courts under section 17 of *The Juvenile and Family Courts Act*.

R.S.O. 1960, c. 249, s. 377, par. 9, re-enacted

26.—(1) Paragraph 9 of section 377 of *The Municipal Act* is repealed and the following substituted therefor:

Establishment of air harbours or landing grounds

9. For establishing or for granting aid to the establishment of air harbours or landing grounds in compliance with the *Air Regulations* (Canada), and for granting aid for aeronautical research work and for the development and general advancement of the science of aeronautics and the use of aircraft, and for entrusting the control and management of any air harbour or landing ground so established to a commission appointed by the council.

(*a*) For the purposes of this paragraph, the council of a local municipality may acquire land in the municipality or in an adjacent or an adjoining municipality or in any adjacent or adjoining territory without municipal organization, or may acquire by lease or otherwise an existing air harbour or landing ground in any municipality or in territory without municipal organization.

R.S.O. 1960, c. 249, s. 377, par. 63, amended

(2) Paragraph 63 of the said section 377 is amended by striking out "where there is no board of park management" in the third and fourth lines and inserting in lieu thereof "in respect of lands acquired for any of such purposes that are not under the general management, regulation and control of a board of park management", so that the paragraph, exclusive of the clauses, shall read as follows:

SECTION 25. The amendment is to correct a reference.

SECTION 26—Subsection 1. At the present time, this paragraph provides for the granting of aid by municipalities for the establishment of air harbours or landing grounds and also provides for the councils of two or more municipalities to establish their own air harbour or landing ground and for these municipalities to establish a commission to operate the air harbour or landing ground. The amendment is to permit a single municipality to establish and operate an air harbour and to entrust its operation to a commission.

Subsection 2. The paragraph as it now reads gives the council the authority to exercise the powers of park boards only when there is no park board. The amendment gives the council the right to exercise the powers of park boards in respect of lands that were not acquired under *The Public Parks Act* but were acquired by the municipality under general legislation.

Subsection 3. It sometimes occurs that, after a parking lot has been established and the charges levied against a certain area that is limited by reason of such area being zoned commercial, the commercial area may be extended by an amendment to a zoning by-law so that the parking lot then benefits this extended area. Under the present legislation, there is no way by which the special charges can be levied on the extended area, and the amendment is merely to provide for a re-apportionment of the cost.

Subsection 4. The provisions respecting licensing, etc., of lodging houses are transferred from paragraph 134 of subsection 1 of section 379 in order to extend the powers to counties. The provisions are revised to make it clear that nursing homes are included.

63. For acquiring land for and establishing and laying out public parks, squares, avenues, boulevards and drives in the municipality or in any adjoining local municipality and, in respect of lands acquired for any of such purposes that are not under the general management, regulation and control of a board of park management, for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*. Acquiring land for parks, etc. R.S.O. 1960, c. 329

. . . . .

(3) Paragraph 67 of the said section 377, as amended by subsection 4 of section 15 of *The Municipal Amendment Act, 1962-63*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 249, s. 377, par. 67, amended

(*h*) Where a by-law has been passed under this paragraph, which provides that the capital cost or any part thereof shall be levied against the lands in a defined area under clause *g*, and the council is of the opinion that lands in any other area or areas have begun or may begin to derive a special benefit therefrom because of the passing, subsequent to the effective date of the by-law imposing the levy, of a by-law or amendment to a by-law under section 30 of *The Planning Act*, the council may, by a further by-law passed with the approval of the Municipal Board, define the area or areas in which lands have begun or may begin to derive such special benefit and re-apportion the balance of such costs mentioned in subclause i of clause *g* and amend the schedule to the first-mentioned by-law so that such costs shall be apportioned against each parcel of land in all the defined areas that derive or that have begun or begin to derive such special benefit. Enlargement of defined area against which cost may be levied R.S.O. 1960, c. 296

(4) The said section 377 is amended by adding thereto the following paragraph: R.S.O. 1960, c. 249, s. 377, amended

71. For licensing, regulating and governing lodging houses and the keepers of lodging houses, and for revoking any such licence. Lodging houses

(*a*) In this paragraph, "lodging house" means a nursing home and any house or other building or portion thereof in which persons are harboured, received or lodged for hire, but does not include a hotel, hospital, home for

the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any other general or special Act.

(*b*) A by-law passed under this section may provide for the licensing, regulating and governing of any class or classes of lodging house or lodging-house keepers, and may provide for the issue and revocation of licences for any class or classes of lodging house by the local board of health and for prohibiting the use of premises licensed under the by-law, except for the purposes for which the licence was issued, and may fix the licence fee for any class or classes of lodging house in accordance with a scale for each class or the number of inmates permitted in the lodging house.

(*c*) A by-law of a county passed under this paragraph has no force in any local municipality in which a by-law passed by such local municipality is in force in respect of the same class or classes of lodging house.

R.S.O. 1960, c. 249, s. 379, subs. 1, amended

27.—(1) Subsection 1 of section 379 of *The Municipal Act* is amended by adding thereto the following paragraph:

Restricting number of animals that may be kept

1*a*. For restricting the number of domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes or other animals that may be kept by any person within the municipality or defined areas thereof.

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 49, re-enacted

(2) Paragraph 49 of subsection 1 of the said section 379, as amended by subsections 1, 2 and 3 of section 42 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Industrial sites

49. On the vote of three-fourths of all the members of the council, for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and of industrial operations and uses incidental thereto.

Application of receipts where debt outstanding

(*a*) Where land has been acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph, and any debt is outstanding in respect of the acquisition of the land or in

SECTION 27—Subsection 1. The present legislation provides for regulating or prohibiting the keeping of domestic animals within a municipality. These provisions do not, however, permit municipalities to restrict the number of animals that a person may keep. The new paragraph 1*a* will allow municipalities to limit the number of domestic animals that a person may keep within the municipality.

Subsection 2. Under the present paragraph 49, a municipality may, either with the assent of the electors or the approval of the Department, acquire or expropriate industrial sites, and thereafter any sale or disposition of the lands so acquired must be approved by the Department.

Paragraph 49, as revised, provides for the acquisition and sale of land for industrial sites on a three-fourths vote of all the members of the council instead of the approval of the Department, but such approval is required when the land is no longer required as industrial site land and is otherwise disposed of.

Subsection 3. At present, if a franchise is to be given that relates only to a particular area, the assent of the electors throughout the whole municipality is required. The amendment would permit taking a vote in the area to which a bus franchise granted under paragraph 88 is applicable.

Subsection 4. Local municipalities are authorized to pass by-laws in accordance with paragraph 105*a*.

respect of any services applied to the land, other than services supplied under *The Local Improvement Act*, all moneys received from the sale or lease of such land shall be used to retire the debt or shall be set aside as a fund to provide for the retirement of the debt unless the Department, upon the request of the council, approves the use of any of such moneys for another purpose; and, when the debt is retired or the amount in the fund is sufficient to provide for the complete retirement of the debt, the balance of such moneys on hand and any such moneys received thereafter shall be credited to the general funds of the municipality. R.S.O. 1960, c. 223

(*b*) Any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph may be used by the municipality for the purposes of the municipality or may be sold to any local board, as defined in *The Department of Municipal Affairs Act*, for the purposes of such board. Use of land by municipality or sale to local board R.S.O. 1960, c. 98

(*c*) Where it appears to the council that any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph is no longer required for the purposes for which it was acquired or for the use of the municipality, the council may, with the approval of the Department, sell or dispose of the whole or any part of such lands for any purpose. Disposal of land when no longer required

(3) Paragraph 88 of subsection 1 of the said section 379 is amended by adding thereto the following clause: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 88, amended

(*e*) It is sufficient compliance with subsection 1 of section 3 of *The Municipal Franchises Act* if a by-law passed under this paragraph receives the assent of the municipal electors in the defined area. R.S.O. 1960, c. 255

(4) Subsection 1 of the said section 379 is further amended by adding thereto the following paragraph: R.S.O. 1960, c. 249, s. 379, subs. 1, amended

105*a*. For prohibiting the driving of a vehicle in a race and the driving of a vehicle at a speed in excess of 15 miles per hour on privately-owned parking lots upon which the public is invited to park vehicles, except privately-owned parking lots where a fee is charged for the privilege of parking vehicles. Racing and speeding on parking lots

R.S.O. 1960, c. 172

(*a*) In this paragraph, "vehicle" means a vehicle as defined in *The Highway Traffic Act*.

(*b*) A by-law passed under this paragraph applies only to parking lots in respect of which the owner has filed with the clerk of the corporation written consent to the application of the by-law to his particular parking lot.

(*c*) No such by-law is effective in respect of a parking lot unless there is erected at each entrance thereto a sign clearly indicating the speed limit for vehicles and the prohibition against the racing of vehicles.

R.S.O. 1960, c. 249, s. 379, subs. 1, amended

(5) Subsection 1 of the said section 379 is further amended by adding thereto the following paragraph:

Car washes

129*a*. For licensing, regulating and governing the owners or operators of car washes, and for revoking such licences.

(*a*) For the purpose of this paragraph, a car wash means a building or place where motor vehicles are washed, cleaned or polished for a fee or charge.

(*b*) This paragraph does not apply to an owner or operator licensed under a by-law passed under paragraph 127 or 128.

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 134, repealed

(6) Paragraph 134 of subsection 1 of the said section 379 is repealed.

R.S.O. 1960, c. 249, s. 379*a* (1961-62, c. 86, s. 43), amended

28.—(1) Section 379*a* of *The Municipal Act*, as enacted by section 43 of *The Municipal Amendment Act, 1961-62* and amended by section 10 of *The Municipal Amendment Act, 1964*, is further amended by adding thereto the following subsections:

Principal trade

(1*a*) Where two or more classes of trades are carried on in a shop and at least 70 per cent of the total gross sales of the shop is derived from one trade, such trade is the principal trade carried on in the shop, and the class of such shop shall be determined in relation to such principal trade.

Gross sales

(1*b*) Where it is alleged that any person has contravened in any month any provision of a by-law passed under this section, the total gross sales of the shop for the purpose of determining the principal trade, if any,

Subsection 5. Under existing legislation, car washes are included under the definitions of public garages and service stations. The new paragraph authorizes local municipalities to license and regulate owners and operators of car washes that are not carried on in conjunction with garages or service stations.

Subsection 6. The provision respecting the licensing, etc., of lodging houses is transferred to section 377 and extended to counties. See section 26 (4) of this Bill.

SECTION 28. The amendments,

(1) provide for the determination of principal trade by relation to total gross sales,

(2) authorize the closing of shops on holidays,

(3) clarify the power to pass by-laws to define by way of exception the classes of shops to be closed.

SECTION 29. The new section 379*d* provides that by-laws providing for the closing of shops do not apply to service centres established on controlled-access highways.

The new section 379*e* provides for the making of special charges in relation to buildings that impose or may impose a heavy load on the sewer system or water system of a municipality by reason of which expenditures are or may be required to provide additional sewer or water supply capacity.

carried on therein is the total dollar volume of gross sales of goods and services made, whether for cash or credit or part cash and part credit, by any person in the whole of the shop in the preceding twelve months, and, if the shop has been in operation for less than twelve months, is the total dollar volume of gross sales of goods and services made, whether for cash or credit or part cash and part credit, by any person in the whole of the shop in the preceding month or months in which the shop was operated.

. . . . . .

Closing of shops on holidays

(5*a*) The council of a city, town or village may by by-law require that all or any class or classes of shops in the municipality shall be closed and remain closed on all or any of the following days:

1. Any holiday as defined in *The Interpretation Act*. R.S.O. 1960, c. 191
2. Boxing Day.
3. Any day proclaimed by the head of the council of a local municipality as a civic holiday.

R.S.O. 1960, c. 249, s. 379*a* (1961-62, c. 86, s. 43), subs. 8, re-enacted

(2) Subsection 8 of the said section 379*a* is repealed and the following substituted therefor:

Closing of shops in which several trades carried on

(8) A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours and days during which the shop is by any such by-law required to be closed for the purpose of any one of such trades, unless it is shown by the occupier or other person having control of the opening and closing of such shop that, by reason of the principal trade being carried on in such shop, the shop is one of a class of shops that by the by-law is not required to be closed.

R.S.O. 1960, c. 249, s. 379*a* (1961-62, c. 86, s. 43), amended

(3) The said section 379*a* is further amended by adding thereto the following subsection:

Form of by-law

(17) Any by-law passed under this section may require all classes of shops to close during certain hours or days, or both, and may exempt therefrom any class or classes of shops.

R.S.O. 1960, c. 249, amended

29. *The Municipal Act* is amended by adding thereto the following sections:

Application of closing by-laws to service centres

379*d*. By-laws passed under section 379*a*, 379*b* or 379*c* do not apply to service centres established on controlled-access highways under agreement with the Minister of Highways.

Special charges to provide additional sewer or water supply capacity

379*e*.—(1) With the approval of the Municipal Board, councils of local municipalities may, by by-law, define the class or classes of buildings to be erected or enlarged after the effective date of the by-law that impose or may impose a heavy load on the sewer system or water system, or both, by reason of which expenditures are or may be required to provide additional sanitary or storm sewer or water supply capacity that in the opinion of a council would not otherwise be required, and may impose upon the owners of such buildings a special charge or charges over and above all other rates and charges to pay for all or part of the cost of providing the additional capacity.

Charges in by-law to refer to specific works

(2) The special charge or charges under any by-law shall refer specifically to sanitary sewers, storm sewers or water supply facilities, as the case may be.

Application of proceeds

(3) The proceeds of the charge or charges authorized by any such by-law shall be deemed to be a reserve fund established under section 298.

Charges a lien on land

(4) The by-law may provide that the charge or charges imposed under it are a lien upon the land on which the building is erected, and may be collected in the same manner and with the same remedies as provided by *The Assessment Act* for the collection of real property taxes.

R.S.O. 1960, c. 23

When charges may be made payable

(5) Any charge or charges to be imposed under the by-law may be made payable on an application for a building permit or at any time thereafter.

Exemptions

(6) The following are exempt from any charge or charges imposed under the by-law:

1. Every building on land exempt from taxation under any general or special Act.

2. Every building on land in respect of which an agreement has been entered into with the municipality under section 28 of *The Planning Act* or any predecessor thereof.

R.S.O. 1960, c. 296

3. Every building or any land in respect of which a contribution to provide sanitary or storm sewers or water supply facilities has been made within the ten years previous to the application for a building permit, to the extent of the contribution so made.

SECTION 30. This paragraph provides for the payment of a so-called licence fee by people who commence business, after the return of the assessment roll, in premises in which they are liable for business assessment. Its purpose was to enable municipalities to collect the equivalent of business tax in respect of people who are not assessed for business assessment. However, since this section was enacted, section 53 of *The Assessment Act* has been enacted and under this section the clerk is obliged to enter on the collector's roll anyone who commences business after the 1st day of January and the amount of his business assessment. Also, where there is a change from residential to commercial, the rate collected is the commercial rate. Paragraph 18 of section 401 is a duplication of what is contained in section 53 of *The Assessment Act* and is, therefore, repealed.

SECTION 31. Section 406 provides for payment of annual allowances to councillors, and subsection 4 presently provides that deductions must be made from annual allowances for absences from ordinary meetings of council. The subsection, as revised, is permissive.

SECTION 32. The provision for stopping up highways is amended to make it clear that a municipality may close a highway for a limited period or periods of time.

SECTION 33. The amendment authorizes municipalities to permit the owners of property abutting on sidewalks to install flower planters, etc., over or upon the sidewalks.

4. Every residential building having not more than two dwelling units.

5. Every building, other than a residential building, with an inside floor area of not more than 3,000 square feet.

30. Paragraph 18 of section 401 of *The Municipal Act* is repealed. R.S.O. 1960, c. 249, s. 401, par. 18, repealed

31. Subsection 4 of section 406 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 406, subs. 4, re-enacted

(4) A by-law passed under subsection 1 may provide for the deduction of a reasonable amount from the annual allowance because of absence from ordinary meetings of the council. Deduction for absence

32. Clause *c* of subsection 1 of section 459 of *The Municipal Act* is amended by adding at the end thereof "or for stopping up any highway or part of a highway for a specified period or periods of time", so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 459, subs. 1, cl. *c*, amended

(*c*) for stopping up any highway or part of a highway or for stopping up any highway or part of a highway for a specified period or periods of time.

33. Paragraph 3 of section 469 of *The Municipal Act* is amended by inserting after "sidewalks" in the ninth line "movable receptacles containing plants, shrubs or trees over or upon the sidewalks" and by inserting after "device" in the nineteenth line "receptacle", so that the paragraph, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 249, s. 469, par. 3, amended

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway, and for permitting the owners of land to maintain and use signs and other advertising devices that project over the sidewalks, movable receptacles containing plants, shrubs or trees over or upon the sidewalks and canopies that project over the sidewalks, for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and used, and for making such annual or other charge for the privilege con- Areas and openings under highways

ferred by the by-law as the council may deem reasonable, and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, receptacle or canopy, or otherwise as may be required by the by-law.

. . . . . .

R.S.O. 1960, c. 249, ss. 487-490, repealed

34. Section 487, section 488, as amended by section 56 of *The Municipal Amendment Act, 1961-62*, and sections 489 and 490 of *The Municipal Act* are repealed.

R.S.O. 1960, c. 249, s. 498, subs. 2, amended

35. Subsection 2 of section 498 of *The Municipal Act* is amended by striking out "judge" in the first line and inserting in lieu thereof "Municipal Board", so that the subsection shall read as follows:

Application to O.M.B.

(2) Either party may at any time apply to the Municipal Board for a modification of the terms of the agreement or order.

R.S.O. 1960, c. 249, s. 514, re-enacted

36. Section 514 of *The Municipal Act* is repealed and the following substituted therefor:

Present corporation continued

514. Where the trustees of a police village have heretofore been created a body corporate, the corporation is hereby continued under its present name until dissolved.

R.S.O. 1960, c. 249, s. 522, amended

37. Section 522 of *The Municipal Act* is amended by adding thereto the following subsection:

Remuneration of trustees

(1*a*) The trustees appointed under subsection 1 shall be deemed to be members of a council under sections 405 and 406, and the chairman shall be deemed to be a head of a council under section 212.

Commencement

38.—(1) This Act, except sections 17 and 37, comes into force on the day it receives Royal Assent.

Idem

(2) Section 37 shall be deemed to have come into force on the 1st day of January, 1965.

Idem

(3) Section 17 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

39. This Act may be cited as *The Municipal Amendment Act, 1965*.

SECTION 34. The sections repealed provided for the formation of police villages.

SECTION 35. Disputes between a police village and a township respecting agreements for the reduction of the township rate for general purposes are now dealt with by the county judge. The amendment provides that such disputes shall hereafter go to the Municipal Board.

SECTION 36. Section 514 provides for the incorporation of trustees of a police village. As no new police villages may be formed because of the repeal of sections 487 to 490, the present corporations are continued until dissolved.

SECTION 37. The amendment authorizes trustees of an improvement district to pass by-laws, which are subject to the approval of the Department, for either paying themselves a remuneration for attendance at meetings or an annual allowance, and for paying the chairman as if he were a head of council.

1st Reading

May 18th, 1965

2nd Reading

May 28th, 1965

3rd Reading

MR. SPOONER

(Reprinted as amended by the Committee of the Whole House)

1965

BILL 146

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Municipal Act

MR. SPOONER

TORONTO
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BILL 146 **1965**

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *q* of section 1 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 1, cl. *q*, re-enacted

(*q*) "published" means published in a daily or weekly newspaper that, in the opinion of the clerk of the municipality, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning.

2. Section 13 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1962-63*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 249, s. 13 (1962-63, c. 87, s. 1), amended

(5) Where a township containing one or more police villages is hereafter divided into wards under this section and the boundaries of the wards are such that the police village is within the boundaries of a ward or, where there is more than one police village, each of such police villages is within the boundaries of a different ward, each such police village is dissolved as of the date when the division into wards takes effect, and the provisions of section 25 apply *mutatis mutandis*. Dissolution of police villages

(6) The Municipal Board, before making any order for the division or redivision into wards of a township containing one or more police villages, shall hold a public hearing in the municipality, after such notice thereof has been given as the Municipal Board may direct, for the purpose of inquiring into the merits of the application and the hearing of any objections that any persons may desire to bring to the attention of the Municipal Board. O.M.B. hearing

Power of O.M.B. re composition of council

(7) Notwithstanding subsections 1, 2, 4, 5, 6, 7 and 8 of section 31 or any special Act, where a township containing one or more police villages is hereafter divided or redivided into wards, the Municipal Board may, in any order dividing or redividing the township into wards or by subsequent order or orders, make all such provisions for the composition of the council of the township as it may deem necessary or desirable, provided that there shall be a reeve to be elected by general vote and at least one councillor to be elected for each ward and one or more deputy reeves to be elected by general vote or appointed by the council from its own members.

Petition for works or services in wards

(8) A petition of 100 electors of a ward in a township in which a police village was dissolved under subsection 5 may be presented to the council of the township for the exercise of any of its powers to provide works or services in the ward of the kind that may be provided to a police village under section 502 and that may be lawfully provided within a defined area in the township and the whole cost of which may be charged to such area, and, if the council,

(*a*) where no approval of any other authority is required, refuses or neglects to exercise such powers within ninety days; or

(*b*) where approval of some other authority is required, does not make the necessary application for such approval within sixty days; or

(*c*) where the required approval has been obtained, does not exercise its powers within thirty days of the receipt of such approval,

the petitioners or any of them may appeal to the Municipal Board, and the Municipal Board shall hear the appeal, after such notice has been given as the Municipal Board may direct, and may dismiss the appeal or direct the council to pass a by-law or by-laws in accordance with its order.

R.S.O. 1960, c. 249, s. 14, subs. 10, cl. *i*, re-enacted

3. Clause *i* of subsection 10 of section 14 of *The Municipal Act* is repealed and the following substituted therefor:

(*i*) where by reason of any annexation order made under this section the taxable assessment of a local municipality is reduced by not less than 15 per cent as shown by the last revised assessment roll prior to

the effective date of such annexation, authorize and direct the payment to such municipality or to a school board thereof by the annexing municipality or a school board thereof, to relieve such municipality or school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation in such amounts and manner as may be agreed upon between the municipalities and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board may deem equitable.

4. Section 17 of *The Municipal Act*, as amended by section 3 of *The Municipal Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 17, amended

(6) Where a township or part of a township in which a police village is situate is erected into an urban municipality, the police village or part of the police village within such township or part of a township is dissolved or detached, as the case may be, and clauses *d*, *e*, *ea* and *h* of subsection 7 of section 25 and subsection 8 of section 25 apply *mutatis mutandis*. Dissolution of police village included in area erected into an urban municipality

5. Subsection 7 of section 25 of *The Municipal Act* is amended by adding thereto the following clauses: R.S.O. 1960, c. 249, s. 25, subs. 7, amended

(*ea*) upon the dissolution of a police village, provide for the maintenance of any works or services previously provided within the police village by the trustees of the police village, pursuant to the provisions of any Act, upon such terms and conditions as it may deem necessary or desirable, and subsections 10*a*, 10*b* and 10*c* of section 14 apply *mutatis mutandis*;

(*eb*) upon the dissolution of a police village, provide for the continued operation of any local hydro-electric system previously established by the trustees of the police village under section 69 of *The Power Commission Act* and for the transfer to the council of the township of the control and management of works established for the distribution of power in the area of such police village. R.S.O. 1960, c. 300

6. Clause *r* of subsection 1 of section 35 of *The Municipal Act*, as amended by subsection 1 of section 3 of *The Municipal Amendment Act, 1962-63*, is further amended by inserting after "409" in the sixth line "or under section 7*a* of *The Planning Act*", so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 35, subs. 1, cl. *r*, amended

(*r*) a person who, either himself or by or with or through another, has any claim, action or proceeding against the corporation, but this clause does not apply with respect to any moneys paid or payable to a member of a council under section 203, 212, 405, 406, 407 or 409 or under section 7*a* of *The Planning Act* or with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*.

R.S.O. 1960, cc. 296, 23, 223

R.S.O. 1960, c. 249, s. 41, amended

7. Section 41 of *The Municipal Act* is amended by striking out "section 119" in the second line and inserting in lieu thereof "section 121", so that the section shall read as follows:

Clerk may give a casting vote only

41. The clerk of the municipality is not entitled to vote except to give a casting vote as provided by section 121.

R.S.O. 1960, c. 249, s. 48, subs. 1, amended

8. Subsection 1 of section 48 of *The Municipal Act* is amended by adding "or" at the end of clause *c* and by adding thereto the following clause:

(*d*) a statutory declaration that he is qualifying in respect of land of which he is a tenant where the taxes in respect of the land are under the terms of tenancy payable by the owner of the land and that the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

R.S.O. 1960, c. 249, s. 60, subs. 4, amended

9. Subsection 4 of section 60 of *The Municipal Act* is amended by striking out "shall" in the second line and inserting in lieu thereof "may", so that the subsection shall read as follows:

Constable may attend each such polling place

(4) The board of commissioners of police or the chief constable may cause one or more constables or clerks, as the case may be, to attend at each polling place in a schoolhouse or public building in which an election is being held, there to perform the duties required by this Act of a constable appointed by the returning officer.

R.S.O. 1960, c. 249, s. 119, subs. 3, repealed

10. Subsection 3 of section 119 of *The Municipal Act* is repealed.

R.S.O. 1960, c. 249, s. 121, subs. 11, re-enacted

11. Subsection 11 of section 121 of *The Municipal Act* is repealed and the following substituted therefor:

When clerk to have casting vote

(10*a*) If the certificate of the result of the recount shows that the candidates have an equal number of votes, the clerk shall forthwith after receiving the certificate give a vote for one or more of the candidates so as to decide the election.

(11) Upon the result of the recount or re-addition being ascertained under subsection 10 or 10*a*, the clerk shall declare elected the candidate so ascertained as having the greatest number of votes, and such declaration shall be deemed for all purposes to have been substituted for the prior declaration made under section 118 if it is different from such prior declaration. Clerk's declaration of result

12. Section 146 of *The Municipal Act* is amended by adding at the end thereof "and may not resign his office and his seat in council if his resignation would reduce the number of the members of the council to less than a quorum", so that the section shall read as follows: R.S.O. 1960, c. 249, s. 146, amended

146. A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council, but he shall not vote on a motion as to his own resignation, and may not resign his office and his seat in council if his resignation would reduce the number of the members of the council to less than a quorum. Resignation of member with consent of council

13. Section 198 of *The Municipal Act* is amended by adding at the end thereof "or to annual allowances to members of council", so that the section shall read as follows: R.S.O. 1960, c. 249, s. 198, amended

198. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this does not apply to allowances for attendance at meetings of the council or its committees or to annual allowances to members of council. Prohibition as to member voting to appoint himself to office

14. Subsection 1 of section 202 of *The Municipal Act*, as re-enacted by section 26 of *The Municipal Amendment Act, 1961-62* and amended by section 4 of *The Municipal Amendment Act, 1964*, is further amended by inserting after "cities" in the first line "or towns", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 249, s. 202 (1961-62, c. 86, s. 26), subs. 1, amended

(1) In cities or towns having a population of not less than 45,000 and in other local municipalities having a population of not less than 100,000, the council may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law, In cities or towns of not less than 45,000 and other local municipalities of not less than 100,000

. . . . .

R.S.O. 1960, c. 249, s. 216, subs. 3, amended

15. Subsection 3 of section 216 of *The Municipal Act* is amended by inserting after "hand" in the third line "and under the seal of the corporation" and by inserting after "proof" in the fourth line "of the seal or", so that the subsection shall read as follows:

Copies certified by clerk to be receivable in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and under the seal of the corporation may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

R.S.O. 1960, c. 249, s. 223*a* (1961-62, c. 86, s. 32), re-enacted

16. Section 223*a* of *The Municipal Act*, as enacted by section 32 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Publication of financial statement, etc.

223*a*.—(1) The treasurer of every local municipality in every year shall, within one month after receiving the audited financial statements of the municipality, cause to be published or to be mailed or delivered to each ratepayer a copy of the balance sheet or sheets and the corresponding statements of surplus as of the 31st day of December of the preceding year and the statement of revenue and expenditure for the preceding year, all as certified by the auditor, or a summary thereof, in such form as the Department may prescribe, together with a copy of the report of the auditor.

Inclusion with tax notice

(2) Where a tax notice is mailed to each ratepayer before the 30th day of June, the treasurer may, in lieu of publishing, mailing or delivering a copy or summary and the report under subsection 1, include with such notice the copy or summary and the report.

Publication of information

(3) The council of a municipality may cause to be published in a newspaper having general circulation in the municipality or to be mailed or delivered to each ratepayer in the municipality such information concerning the activities of the municipality as, in the opinion of the council, would be of interest to the ratepayers.

R.S.O. 1960, c. 249, amended

17. *The Municipal Act* is amended by adding thereto the following section:

226*a*. The council of a municipality shall appoint as assessor, assessment commissioner, county assessment commissioner or a member of a board of assessors only a person who is licensed by the Department as a municipal assessor. Only licensed assessors to be appointed

18. Subsection 1 of section 228 of *The Municipal Act* is amended by adding at the end thereof "except school boards established under section 12 of *The Public Schools Act*, subsection 5 of section 12 of *The Secondary Schools and Boards of Education Act* or subsection 4*a* of section 51 of *The Secondary Schools and Boards of Education Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 249, s. 228, subs. 1, amended

(1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council, and every person so appointed shall, in addition to his duties in respect of the corporation, audit the accounts and transactions of every local board as defined in *The Department of Municipal Affairs Act*, except school boards established under section 12 of *The Public Schools Act*, subsection 5 of section 12 of *The Secondary Schools and Boards of Education Act* or subsection 4*a* of section 51 of *The Secondary Schools and Boards of Education Act*. Appointment of auditors R.S.O. 1960, cc. 98, 330, 362

19. Section 247 of *The Municipal Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 247, amended

(1*a*) The power to license, regulate or govern places or things includes a power to license, regulate or govern the trades, callings or businesses for which such places or things are used and the persons carrying on or engaged in them. Power to license or regulate places or things includes power to license and regulate trades, etc.

20. Section 248*b* of *The Municipal Act*, as enacted by section 36 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 248*b* (1961-62, c. 86, s. 36), re-enacted

248*b*. A municipality or a local board thereof, as defined in *The Department of Municipal Affairs Act*, except a school board, shall not destroy any of its receipts, vouchers, instruments, rolls or other documents, records and papers except, Destruction of documents R.S.O. 1960, c. 98

(*a*) after having obtained the approval of the Department; or

(*b*) in accordance with a by-law passed by the municipality and approved by the auditor of the municipality establishing schedules of retention periods during which the receipts, vouchers, instruments, rolls or other documents, records and papers must be kept by the municipality or local board.

R.S.O. 1960, c. 249, s. 248*c*, subs. 3 (1964, c. 68, s. 5), re-enacted

21. Subsection 3 of section 248*c* of *The Municipal Act*, as re-enacted by section 5 of *The Municipal Amendment Act, 1964*, is repealed and the following substituted therefor:

Vesting upon transfer from pension fund

(3) Notwithstanding any general or special Act, where an employee of a municipality or of a local board as defined in paragraph 59 of section 377, on or after the 1st day of March, 1948,

(*a*) has been contributing to a pension, superannuation or benefit fund or plan established under any general or special Act, excluding a pension fund established under *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*; and

R.S.O. 1960, cc. 392, 301, 332

(*b*) terminates his employment with the municipality or local board; and

(*c*) without intervening employment, becomes a member of the civil service of Ontario or Canada, the civic service of any other municipality or local board or the staff of any board, commission or public institution established under any Act of the Legislature,

he is entitled, in lieu of a refund of his contributions to the fund or plan plus any interest thereon, to the pension benefits and any other benefits that would be payable under the fund or plan in respect of his employment with the municipality or local board to the date of such termination as if he continued in such employment until his death or retirement age, and such municipality or local board shall authorize, on the request of the employee, the transfer of a sum of money equal to the larger of,

(*d*) the contributions made by the employee under the fund or plan, plus any interest thereon; or

(*e*) the present value, calculated as of the date of the transfer of such sum of money on the basis of generally accepted actuarial methods,

of the pension benefits and any other benefits under the fund or plan to which the employee is entitled as provided in this subsection,

to any fund or plan maintained to provide pension benefits for members of such civil or civic service or staff of which the employee has become a member, provided such a transfer is permitted under the terms of the fund or plan to which the transfer is to be made.

22. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960, c. 249, amended

248*d*. Where, after the 1st day of June, 1965, a by-law under paragraph 52 of subsection 1 of section 379 or section 380 is passed imposing a special rate or levy within a defined area and there are in such defined area lands as defined in *The Assessment Act* that are exempt from taxation, that part of the cost of the work for which the special rate or levy is made that would be chargeable to such exempt lands if they were not exempt from taxation shall be levied against all the rateable property in the municipality. Special rates re exempt lands in defined areas R.S.O. 1960, c. 23

23. Section 250*a* of *The Municipal Act*, as enacted by section 37 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 249, 250*a* (1961-62, c. 86, s. 37), re-enacted

250*a*. The council of a municipality may pass by-laws for entering into and performing any agreement with any other council for fulfilling, executing or completing, at their joint expense and for their joint benefit, any undertaking, work or project within the jurisdiction of the council. Joint works and undertakings

24. Section 272 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 272, re-enacted

272.—(1) Where the by-law is proposed to be passed by a county council, the council may fix a day or may prescribe the days on which municipal elections are to be held in the local municipalities in the county as the day or days for obtaining the assent or opinion of the electors, in which event the local municipalities shall submit the proposed by-law to their respective electors accordingly, and the clerk of each local municipality shall, upon the expiry of the time for applying for a scrutiny of the vote under section 273 or, where there has been such an application, on the disposition of it by the judge, forthwith certify the Procedure in case of county by-law

result of the vote in his local municipality to the clerk of the county who shall certify to the county council the number of votes cast for and against the by-law.

When by-law deemed to have assent

(2) A by-law of a county shall be deemed to have been assented to by the electors if a majority of the votes cast in all the local municipalities is in favour of the by-law.

R.S.O. 1960, c. 249, s. 286, subs. 2, cl. *k*, amended

25. Clause *k* of subsection 2 of section 286 of *The Municipal Act* is amended by striking out "section 11" in the second line and inserting in lieu thereof "section 17", so that the clause shall read as follows:

R.S.O. 1960, c. 201

(*k*) agreements respecting juvenile and family courts under section 17 of *The Juvenile and Family Courts Act*.

R.S.O. 1960, c. 249, s. 377, par. 9, re-enacted

26.—(1) Paragraph 9 of section 377 of *The Municipal Act* is repealed and the following substituted therefor:

Establishment of air harbours or landing grounds

9. For establishing or for granting aid to the establishment of air harbours or landing grounds in compliance with the *Air Regulations* (Canada), and for granting aid for aeronautical research work and for the development and general advancement of the science of aeronautics and the use of aircraft, and for entrusting the control and management of any air harbour or landing ground so established to a commission appointed by the council.

(*a*) For the purposes of this paragraph, the council of a local municipality may acquire land in the municipality or in an adjacent or an adjoining municipality or in any adjacent or adjoining territory without municipal organization, or may acquire by lease or otherwise an existing air harbour or landing ground in any municipality or in territory without municipal organization.

R.S.O. 1960, c. 249, s. 377, par. 63, amended

(2) Paragraph 63 of the said section 377 is amended by striking out "where there is no board of park management" in the third and fourth lines and inserting in lieu thereof "in respect of lands acquired for any of such purposes that are not under the general management, regulation and control of a board of park management", so that the paragraph, exclusive of the clauses, shall read as follows:

63. For acquiring land for and establishing and laying out public parks, squares, avenues, boulevards and drives in the municipality or in any adjoining local municipality and, in respect of lands acquired for any of such purposes that are not under the general management, regulation and control of a board of park management, for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act.* Acquiring land for parks, etc. R.S.O. 1960, c. 329

. . . . . .

(3) Paragraph 67 of the said section 377, as amended by subsection 4 of section 15 of *The Municipal Amendment Act, 1962-63*, is further amended by adding thereto the following clause: R.S.O. 1960, c. 249, s. 377, par. 67, amended

(*h*) Where a by-law has been passed under this paragraph, which provides that the capital cost or any part thereof shall be levied against the lands in a defined area under clause *g*, and the council is of the opinion that lands in any other area or areas have begun or may begin to derive a special benefit therefrom because of the passing, subsequent to the effective date of the by-law imposing the levy, of a by-law or amendment to a by-law under section 30 of *The Planning Act*, the council may, by a further by-law passed with the approval of the Municipal Board, define the area or areas in which lands have begun or may begin to derive such special benefit and re-apportion the balance of such costs mentioned in subclause i of clause *g* and amend the schedule to the first-mentioned by-law so that such costs shall be apportioned against each parcel of land in all the defined areas that derive or that have begun or begin to derive such special benefit. Enlargement of defined area against which cost may be levied R.S.O. 1960, c. 296

(4) The said section 377 is amended by adding thereto the following paragraph: R.S.O. 1960, c. 249, s. 377, amended

71. For licensing, regulating and governing lodging houses and the keepers of lodging houses, and for revoking any such licence. Lodging houses

(*a*) In this paragraph, "lodging house" means a nursing home and any house or other building or portion thereof in which persons are harboured, received or lodged for hire, but does not include a hotel, hospital, home for

the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any other general or special Act.

(*b*) A by-law passed under this section may provide for the licensing, regulating and governing of any class or classes of lodging house or lodging-house keepers, and may provide for the issue and revocation of licences for any class or classes of lodging house by the local board of health and for prohibiting the use of premises licensed under the by-law, except for the purposes for which the licence was issued, and may fix the licence fee for any class or classes of lodging house in accordance with a scale for each class or the number of inmates permitted in the lodging house.

(*c*) A by-law of a county passed under this paragraph has no force in any local municipality in which a by-law passed by such local municipality is in force in respect of the same class or classes of lodging house.

R.S.O. 1960, c. 249, s. 379, subs. 1, amended

27.—(1) Subsection 1 of section 379 of *The Municipal Act* is amended by adding thereto the following paragraph:

Restricting number of animals that may be kept

1*a*. For restricting the number of domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes or other animals that may be kept by any person within the municipality or defined areas thereof.

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 49, re-enacted

(2) Paragraph 49 of subsection 1 of the said section 379, as amended by subsections 1, 2 and 3 of section 42 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Industrial sites

49. On the vote of three-fourths of all the members of the council, for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and of industrial operations and uses incidental thereto.

Application of receipts where debt outstanding

(*a*) Where land has been acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph, and any debt is outstanding in respect of the acquisition of the land or in

respect of any services applied to the land, other than services supplied under *The Local Improvement Act*, all moneys received from the sale or lease of such land shall be used to retire the debt or shall be set aside as a fund to provide for the retirement of the debt unless the Department, upon the request of the council, approves the use of any of such moneys for another purpose; and, when the debt is retired or the amount in the fund is sufficient to provide for the complete retirement of the debt, the balance of such moneys on hand and any such moneys received thereafter shall be credited to the general funds of the municipality. R.S.O. 1960, c. 223

(*b*) Any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph may be used by the municipality for the purposes of the municipality or may be sold to any local board, as defined in *The Department of Municipal Affairs Act*, for the purposes of such board. Use of land by municipality or sale to local board R.S.O. 1960, c. 98

(*c*) Where it appears to the council that any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph is no longer required for the purposes for which it was acquired or for the use of the municipality, the council may, with the approval of the Department, sell or dispose of the whole or any part of such lands for any purpose. Disposal of land when no longer required

(3) Paragraph 88 of subsection 1 of the said section 379 is amended by adding thereto the following clause: R.S.O. 1960, c. 249, s. 379, subs. 1, par. 88, amended

(*e*) It is sufficient compliance with subsection 1 of section 3 of *The Municipal Franchises Act* if a by-law passed under this paragraph receives the assent of the municipal electors in the defined area. R.S.O. 1960, c. 255

(4) Subsection 1 of the said section 379 is further amended by adding thereto the following paragraph: R.S.O. 1960, c. 249, s. 379, subs. 1, amended

105*a*. For prohibiting the driving of a vehicle in a race and the driving of a vehicle at a speed in excess of 15 miles per hour on privately-owned parking lots upon which the public is invited to park vehicles, except privately-owned parking lots where a fee is charged for the privilege of parking vehicles. Racing and speeding on parking lots

R.S.O. 1960, c. 172

(*a*) In this paragraph, "vehicle" means a vehicle as defined in *The Highway Traffic Act*.

(*b*) A by-law passed under this paragraph applies only to parking lots in respect of which the owner has filed with the clerk of the corporation written consent to the application of the by-law to his particular parking lot.

(*c*) No such by-law is effective in respect of a parking lot unless there is erected at each entrance thereto a sign clearly indicating the speed limit for vehicles and the prohibition against the racing of vehicles.

R.S.O. 1960, c. 249, s. 379, subs. 1, amended

(5) Subsection 1 of the said section 379 is further amended by adding thereto the following paragraph:

Car washes

129*a*. For licensing, regulating and governing the owners or operators of car washes, and for revoking such licences.

(*a*) For the purpose of this paragraph, a car wash means a building or place where motor vehicles are washed, cleaned or polished for a fee or charge.

(*b*) This paragraph does not apply to an owner or operator licensed under a by-law passed under paragraph 127 or 128.

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 134, repealed

(6) Paragraph 134 of subsection 1 of the said section 379 is repealed.

R.S.O. 1960, c. 249, s. 379*a* (1961-62, c. 86, s. 43), amended

28.—(1) Section 379*a* of *The Municipal Act*, as enacted by section 43 of *The Municipal Amendment Act, 1961-62* and amended by section 10 of *The Municipal Amendment Act, 1964*, is further amended by adding thereto the following subsections:

Principal trade

(1*a*) Where two or more classes of trades are carried on in a shop and at least 70 per cent of the total gross sales of the shop is derived from one trade, such trade is the principal trade carried on in the shop, and the class of such shop shall be determined in relation to such principal trade.

Gross sales

(1*b*) Where it is alleged that any person has contravened in any month any provision of a by-law passed under this section, the total gross sales of the shop for the purpose of determining the principal trade, if any,

carried on therein is the total dollar volume of gross sales of goods and services made, whether for cash or credit or part cash and part credit, by any person in the whole of the shop in the preceding twelve months, and, if the shop has been in operation for less than twelve months, is the total dollar volume of gross sales of goods and services made, whether for cash or credit or part cash and part credit, by any person in the whole of the shop in the preceding month or months in which the shop was operated.

. . . . .

Closing of shops on holidays

(5*a*) The council of a city, town or village may by by-law require that all or any class or classes of shops in the municipality shall be closed and remain closed on all or any of the following days:

1. Any holiday as defined in *The Interpretation Act*. R.S.O. 1960, c. 191
2. Boxing Day.
3. Any day proclaimed by the head of the council of a local municipality as a civic holiday.

R.S.O. 1960, c. 249, s. 379*a* (1961-62, c. 86, s. 43), subs. 8, re-enacted

(2) Subsection 8 of the said section 379*a* is repealed and the following substituted therefor:

Closing of shops in which several trades carried on

(8) A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours and days during which the shop is by any such by-law required to be closed for the purpose of any one of such trades, unless it is shown by the occupier or other person having control of the opening and closing of such shop that, by reason of the principal trade being carried on in such shop, the shop is one of a class of shops that by the by-law is not required to be closed.

R.S.O. 1960, c. 249, s. 379*a* (1961-62, c. 86, s. 43), amended

(3) The said section 379*a* is further amended by adding thereto the following subsection:

Form of by-law

(17) Any by-law passed under this section may require all classes of shops to close during certain hours or days, or both, and may exempt therefrom any class or classes of shops.

R.S.O. 1960, c. 249, amended

29. *The Municipal Act* is amended by adding thereto the following sections:

Application of closing by-laws to service centres

379*d*. By-laws passed under section 379*a*, 379*b* or 379*c* do not apply to service centres established on controlled-access highways under agreement with the Minister of Highways.

Special charges to provide additional sewer or water supply capacity

379*e*.—(1) With the approval of the Municipal Board, councils of local municipalities may, by by-law, define the class or classes of buildings to be erected or enlarged after the effective date of the by-law that impose or may impose a heavy load on the sewer system or water system, or both, by reason of which expenditures are or may be required to provide additional sanitary or storm sewer or water supply capacity that in the opinion of a council would not otherwise be required, and may impose upon the owners of such buildings a special charge or charges over and above all other rates and charges to pay for all or part of the cost of providing the additional capacity.

Charges in by-law to refer to specific works

(2) The special charge or charges under any by-law shall refer specifically to sanitary sewers, storm sewers or water supply facilities, as the case may be.

Application of proceeds

(3) The proceeds of the charge or charges authorized by any such by-law shall be deemed to be a reserve fund established under section 298.

Charges a lien on land

(4) The by-law may provide that the charge or charges imposed under it are a lien upon the land on which the building is erected, and may be collected in the same manner and with the same remedies as provided by *The Assessment Act* for the collection of real property taxes.

R.S.O. 1960, c. 23

When charges may be made payable

(5) Any charge or charges to be imposed under the by-law may be made payable on an application for a building permit or at any time thereafter.

Exemptions

(6) The following are exempt from any charge or charges imposed under the by-law:

1. Every building on land exempt from taxation under any general or special Act.

2. Every building on land in respect of which an agreement has been entered into with the municipality under section 28 of *The Planning Act* or any predecessor thereof.

R.S.O. 1960, c. 296

3. Every building or any land in respect of which a contribution to provide sanitary or storm sewers or water supply facilities has been made within the ten years previous to the application for a building permit, to the extent of the contribution so made.

4. Every residential building having not more than two dwelling units.

5. Every building, other than a residential building, with an inside floor area of not more than 3,000 square feet.

30. Paragraph 18 of section 401 of *The Municipal Act* is repealed. R.S.O. 1960, c. 249, s. 401, par. 18, repealed

31. Subsection 4 of section 406 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 406, subs. 4, re-enacted

(4) A by-law passed under subsection 1 may provide for the deduction of a reasonable amount from the annual allowance because of absence from ordinary meetings of the council. Deduction for absence

32. Clause *c* of subsection 1 of section 459 of *The Municipal Act* is amended by adding at the end thereof "or for stopping up any highway or part of a highway for a specified period or periods of time", so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 459, subs. 1, cl. *c*, amended

(*c*) for stopping up any highway or part of a highway or for stopping up any highway or part of a highway for a specified period or periods of time.

33. Paragraph 3 of section 469 of *The Municipal Act* is amended by inserting after "sidewalks" in the ninth line "movable receptacles containing plants, shrubs or trees over or upon the sidewalks" and by inserting after "device" in the nineteenth line "receptacle", so that the paragraph, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 249, s. 469, par. 3, amended

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway, and for permitting the owners of land to maintain and use signs and other advertising devices that project over the sidewalks, movable receptacles containing plants, shrubs or trees over or upon the sidewalks and canopies that project over the sidewalks, for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and used, and for making such annual or other charge for the privilege con- Areas and openings under highways

ferred by the by-law as the council may deem reasonable, and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, receptacle or canopy, or otherwise as may be required by the by-law.

. . . . . .

R.S.O. 1960, c. 249, ss. 487-490, repealed

34. Section 487, section 488, as amended by section 56 of *The Municipal Amendment Act, 1961-62*, and sections 489 and 490 of *The Municipal Act* are repealed.

R.S.O. 1960, c. 249, s. 498, subs. 2, amended

35. Subsection 2 of section 498 of *The Municipal Act* is amended by striking out "judge" in the first line and inserting in lieu thereof "Municipal Board", so that the subsection shall read as follows:

Application to O.M.B.

(2) Either party may at any time apply to the Municipal Board for a modification of the terms of the agreement or order.

R.S.O. 1960, c. 249, s. 514, re-enacted

36. Section 514 of *The Municipal Act* is repealed and the following substituted therefor:

Present corporation continued

514. Where the trustees of a police village have heretofore been created a body corporate, the corporation is hereby continued under its present name until dissolved.

R.S.O. 1960, c. 249, s. 522, amended

37. Section 522 of *The Municipal Act* is amended by adding thereto the following subsection:

Remuneration of trustees

(1*a*) The trustees appointed under subsection 1 shall be deemed to be members of a council under sections 405 and 406, and the chairman shall be deemed to be a head of a council under section 212.

Commencement

38.—(1) This Act, except sections 17 and 37, comes into force on the day it receives Royal Assent.

Idem

(2) Section 37 shall be deemed to have come into force on the 1st day of January, 1965.

Idem

(3) Section 17 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

39. This Act may be cited as *The Municipal Amendment Act, 1965*.

1st Reading

May 18th, 1965

2nd Reading

May 28th, 1965

3rd Reading

June 21st, 1965

MR. SPOONER

BILL 147

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to provide for the Establishment and Operation of Commuter Services

MR. ROBARTS

TORONTO
PRINTER AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Bill is self-explanatory.

BILL 147 **1965**

An Act to provide for the Establishment and Operation of Commuter Services

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act, "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

Administration of Act

2.—(1) The Minister is responsible for the administration of this Act.

Delegation 1961-62, c. 121

(2) The Minister may delegate any of his powers under this Act to any one or more Crown employees as defined in *The Public Service Act, 1961-62*.

Commuter service agreements authorized

3.—(1) Her Majesty the Queen in right of the Province of Ontario, represented by the Minister, may, with the approval of the Lieutenant Governor in Council, enter into agreements with Canadian National Railways and any other corporation or individual, or any one or more of them, with respect to any matter or thing having as its object the establishment and operation, or either of them, of commuter services to serve any one or more areas in Ontario.

Idem, municipalities

(2) Any municipality, including any metropolitan municipality, is a corporation for the purpose of subsection 1, and is hereby authorized and empowered to enter into agreements thereunder.

Acquisition of property

4.—(1) The Minister may, with the approval of the Lieutenant Governor in Council,

(*a*) acquire by purchase, lease or otherwise any rolling stock, equipment, apparatus or thing; and

(*b*) acquire by purchase, lease or otherwise or expropriate any land or any interest in land,

that may be required for the establishment and operation, or either of them, of any commuter service that is or is to be provided by agreement under section 3.

Expropriation procedure

(2) The Minister may exercise his power to expropriate land for the purposes of this Act by registering in the proper registry or land titles office a plan of the land acquired by him.

Moneys

5. The moneys required for the purposes of this Act during the fiscal year 1965-66 shall be paid out of the Consolidated Revenue Fund, and thereafter such moneys shall be paid out of the moneys appropriated by the Legislature for the purposes of this Act.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Commuter Services Act, 1965*.

1st Reading

May 19th, 1965

2nd Reading

3rd Reading

MR. ROBARTS

BILL 147

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to provide for the Establishment and Operation of Commuter Services

MR. ROBARTS

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

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BILL 147 **1965**

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Expropriation procedure

(2) The Minister may exercise his power to expropriate land for the purposes of this Act by registering in the proper registry or land titles office a plan of the land signed by him.

Moneys

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Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Commuter Services Act, 1965*.

1st Reading

May 19th, 1965

2nd Reading

May 28th, 1965

3rd Reading

MR. ROBARTS

(*Reprinted as amended by the Committee of the Whole House*)

1965

BILL 147

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to provide for the Establishment and Operation of Commuter Services

MR. ROBARTS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 147 **1965**

An Act to provide for the Establishment and Operation of Commuter Services

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Interpretation

1. In this Act, "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council.

Administration of Act

2.—(1) The Minister is responsible for the administration of this Act.

Delegation 1961-62, c. 121

(2) The Minister may delegate any of his powers under this Act to any one or more Crown employees as defined in *The Public Service Act, 1961-62*.

Commuter service agreements authorized

3.—(1) Her Majesty the Queen in right of the Province of Ontario, represented by the Minister, may, with the approval of the Lieutenant Governor in Council, enter into agreements with Canadian National Railways and any other corporation or individual, or any one or more of them, with respect to any matter or thing having as its object the establishment and operation, or either of them, of commuter services to serve any one or more areas in Ontario.

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that may be required for the establishment and operation, or either of them, of any commuter service that is or is to be provided by agreement under section 3.

Expropriation procedure

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Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Commuter Services Act, 1965*.

1st Reading

May 19th, 1965

2nd Reading

May 28th, 1965

3rd Reading

June 21st, 1965

MR. ROBARTS

BILL 148

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The University of Toronto Act, 1947

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The provisions repealed provide for grants to the University out of the Consolidated Revenue Fund. These grants now form part of the general legislative grants.

BILL 148 **1965**

An Act to amend The University of Toronto Act, 1947

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 8 of *The University of Toronto Act, 1947* is repealed. 1947, c. 112, s. 8, subs. 3, repealed

2. Section 123 of *The University of Toronto Act, 1947* is repealed. 1947, c. 112, s. 123, repealed

3. This Act may be cited as *The University of Toronto Amendment Act, 1965.* Short title

1st Reading

May 20th, 1965

2nd Reading

3rd Reading

MR. DAVIS

1965

BILL 148

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The University of Toronto Act, 1947

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 148 **1965**

An Act to amend The University of Toronto Act, 1947

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 8 of *The University of Toronto Act, 1947* is repealed. 1947, c. 112, s. 8, subs. 3, repealed

2. Section 123 of *The University of Toronto Act, 1947* is repealed. 1947, c. 112, s. 123, repealed

3. This Act may be cited as *The University of Toronto Amendment Act, 1965*. Short title

1st Reading

May 20th, 1965

2nd Reading

May 28th, 1965

3rd Reading

June 21st, 1965

MR. DAVIS

BILL 149

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The York University Act, 1965

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The York University Act, 1959 is revised to provide for the development of the University.

BILL 149 **1965**

The York University Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Board" means the Board of Governors of York University;

(*b*) "Chancellor" means the Chancellor of the University;

(*c*) "President" means the President of the University;

(*d*) "property" includes real and personal property;

(*e*) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;

(*f*) "Senate" means the Senate of the University;

(*g*) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;

(*h*) "University" means York University.

2. York University, its Board, Chancellor, President and Senate, and all other attributes thereof, are hereby continued and, subject to the provisions of this Act, have, hold, possess and enjoy respectively all the rights, powers and privileges that they had at the time of the passing of this Act or that are conferred upon them by this Act. University continued

Appointments, regulations, etc., continued

3. All appointments, statutes, constitutions and regulations in and affecting the University are hereby continued, subject to the provisions of this Act, and subject also, as to the teaching staff and all officers and employees, to their removal by the University.

Objects

4. The objects and purposes of the University are,

(*a*) the advancement of learning and the dissemination of knowledge; and

(*b*) the intellectual, spiritual, social, moral and physical development of its members and the betterment of society.

Faculties, schools, etc.

5. The University may establish and maintain faculties, schools, institutes, departments, chairs and courses.

Degrees

6. The University may grant in all branches of learning any and all university degrees, diplomas and certificates.

Board

7. The Board of Governors of York University shall consist of,

(*a*) the Chancellor;

(*b*) the President; and

(*c*) such number of members, not exceeding thirty, as may be prescribed by the by-laws of the Board, elected for a term of four years in the manner prescribed by the by-laws of the Board.

Chairman

8. The Board shall elect from its members a chairman who shall hold office for a term of seven years and who shall be eligible for re-election for one further term.

Declaration of vacancies

9. After thirty days notice to any member of the Board, the Board may, by resolution passed by at least two-thirds of the members of the Board, declare vacant the seat of such member.

Management of University vested in Board

10. Except as to such matters by this Act specifically assigned to the Senate, the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

(*a*) to appoint and remove the Chancellor;

(*b*) to appoint and remove the President and the vice-presidents, if any;

(*c*) to appoint, promote and remove all members of the teaching and administrative staffs of the University and all such other officers and employees as the Board may deem necessary or advisable for the purposes of the University, but no member of the teaching or administrative staffs, except the President, shall be appointed, promoted or removed except on the recommendation of the President, who shall be governed by the terms of the University's commitments and practices;

(*d*) to fix the number, duties, salaries and other emoluments of officers, agents and employees of the University;

(*e*) to appoint an executive committee and such other committees as it may deem advisable, to fix the quorum for meetings of such committees and to give or withhold from the chairmen thereof a casting vote, and to delegate to any such committee any of the powers of the Board;

(*f*) to borrow money on the credit of the University in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;

(*g*) to make, draw and endorse promissory notes or bills of exchange;

(*h*) to hypothecate, pledge, charge or mortgage any part or all of the property of the University to secure any money so borrowed or for the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;

(*i*) to issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations;

(*j*) to make by-laws and regulations for the conduct of the affairs of the Board, including the fixing of a quorum, the election of its members, and the filling of vacancies;

(*k*) to establish faculties, schools and institutes with the concurrence of the Senate.

Senate, composition

11. There shall be a Senate of the University composed of,

(*a*) the Chancellor;

(*b*) the chairman of the Board;

(*c*) the President;

(*d*) the Principal of Glendon College;

(*e*) the dean of each faculty;

(*f*) the Dean of Atkinson College;

(*g*) the Director of Libraries;

(*h*) the vice-presidents of the University;

(*i*) the chairmen of faculty departments and divisions;

(*j*) not fewer than two and not more than four members of the Board; and

(*k*) such numbers of other persons as the Senate may determine,

provided that full-time members of the teaching staff shall always constitute a majority of the members of the Senate.

Powers of Senate

12. The Senate is responsible for the academic policy of the University and may recommend to the Board the establishment of faculties, schools, institutes and departments, and the establishment of chairs, and may establish councils in the faculties, schools or institutes established, and may enact by-laws, rules and regulations for the conduct of its affairs, and, without limiting the generality of the foregoing, has power,

(*a*) to consult with the Board and to make recommendations as to the appointment of the Chancellor and the President;

(*b*) to determine and regulate the standards for the admission of students to the University, the contents and curricula of all courses of study, and the requirements for graduation;

(*c*) to conduct examinations and appoint examiners;

(*d*) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards for academic achievement;

(*e*) to confer the degrees of Bachelor, Master and Doctor and all other degrees, diplomas and certificates in all branches of learning that may appropriately be conferred by a University;

(*f*) after consultation with the Board, to confer honorary degrees.

President

13.—(1) There shall be a President of the University who shall be appointed by the Board after consultation with the Senate and who shall hold office during the pleasure of the Board.

Powers and duties of President

(2) The President is Vice-Chancellor and chief executive officer of the University and,

(*a*) in the absence of the Chancellor or if there is a vacancy in the office of Chancellor, shall perform the functions of the Chancellor;

(*b*) shall supervise and direct the implementation of the educational policy and general administration of the University, the teaching staff, officers, servants and the students thereof;

(*c*) has power to formulate and implement regulations governing the conduct of students and student activities;

(*d*) has power to recommend to the Board the appointment, promotion and removal of the teaching staff, officers and employees of the University;

(*e*) has power to recommend to the Board or the Senate the establishment of new faculties, schools, institutes, programmes and projects;

(*f*) has power to examine all the activities of the University and developments in higher education;

(*g*) has power to recommend to the Board or the Senate regulations to govern the activities of the faculties, schools, institutes, teaching staff and students;

(*h*) has power to establish presidential committees to study and to recommend action on matters affecting the University;

(*i*) has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

Vice-Presidents

(3) The Board may appoint one or more vice-presidents who shall have such powers and duties as may be conferred on him or them by the President, and one vice-president shall act as President when the President is absent or if there is a vacancy in the office of President and, while so acting, he has all the powers and duties of the President.

Chancellor

14. There shall be a Chancellor of the University appointed by the Board, after consultation with the Senate, who shall be the titular head of the University, who shall confer all degrees and who, subject to the will of the Board, shall hold office for three years or until his successor is appointed.

Religious tests not required

15. No religious test shall be required of any professor, lecturer, teacher, officer, employee or student of the University, nor shall any religious observances according to the regulations of any particular denomination or sect be imposed upon them.

Property

R.S.O. 1960, c. 191

16. The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

Trust property vested in University

17. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, is vested in the University.

Tax exemption

18. The property vested in the University and any lands and premises leased to and occupied by the University shall not be liable to taxation for provincial, municipal or school

purposes, and shall be exempt from every description of taxation so long as the same are actually used and occupied for the purposes of the University.

Property not liable to be expropriated

19. Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto.

Application of statute of limitations

20. All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Application of property

21. The property and the income, revenues, issues and profits of all property of the University shall be applied solely to achieving the objects and purposes of the University.

Investment of funds

22. The funds of the University not immediately required for its purposes and the proceeds of all property that come to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board deems meet.

Powers of affiliation

23. The University has power and capacity to affiliate with, or take into affiliation or federate with, other universities, colleges and institutions of learning on such terms and for such periods of time as the Board, after consultation with the Senate, may determine.

Audit

24. The accounts of the University shall be audited at least once a year.

Annual report

25. Upon the request of the Lieutenant Governor in Council, the University shall submit to him its annual report and shall submit such other reports as he may request from time to time.

1959, c. 145, repealed

26. *The York University Act, 1959* is repealed.

Commencement

27. This Act comes into force on the day it receives Royal Assent.

Short title

28. This Act may be cited as *The York University Act, 1965*.

1st Reading

May 20th, 1965

2nd Reading

3rd Reading

MR. DAVIS

BILL 149

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The York University Act, 1965

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 149 **1965**

The York University Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Board" means the Board of Governors of York University;

(*b*) "Chancellor" means the Chancellor of the University;

(*c*) "President" means the President of the University;

(*d*) "property" includes real and personal property;

(*e*) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;

(*f*) "Senate" means the Senate of the University;

(*g*) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;

(*h*) "University" means York University.

2. York University, its Board, Chancellor, President and Senate, and all other attributes thereof, are hereby continued and, subject to the provisions of this Act, have, hold, possess and enjoy respectively all the rights, powers and privileges that they had at the time of the passing of this Act or that are conferred upon them by this Act. University continued

Appointments, regulations, etc., continued

3. All appointments, statutes, constitutions and regulations in and affecting the University are hereby continued, subject to the provisions of this Act, and subject also, as to the teaching staff and all officers and employees, to their removal by the University.

Objects

4. The objects and purposes of the University are,

(*a*) the advancement of learning and the dissemination of knowledge; and

(*b*) the intellectual, spiritual, social, moral and physical development of its members and the betterment of society.

Faculties, schools, etc.

5. The University may establish and maintain faculties, schools, institutes, departments, chairs and courses.

Degrees

6. The University may grant in all branches of learning any and all university degrees, diplomas and certificates.

Board

7. The Board of Governors of York University shall consist of,

(*a*) the Chancellor;

(*b*) the President; and

(*c*) such number of members, not exceeding thirty, as may be prescribed by the by-laws of the Board, elected for a term of four years in the manner prescribed by the by-laws of the Board.

Chairman

8. The Board shall elect from its members a chairman who shall hold office for a term of seven years and who shall be eligible for re-election for one further term.

Declaration of vacancies

9. After thirty days notice to any member of the Board, the Board may, by resolution passed by at least two-thirds of the members of the Board, declare vacant the seat of such member.

Management of University vested in Board

10. Except as to such matters by this Act specifically assigned to the Senate, the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

(*a*) to appoint and remove the Chancellor;

(*b*) to appoint and remove the President and the vice-presidents, if any;

(*c*) to appoint, promote and remove all members of the teaching and administrative staffs of the University and all such other officers and employees as the Board may deem necessary or advisable for the purposes of the University, but no member of the teaching or administrative staffs, except the President, shall be appointed, promoted or removed except on the recommendation of the President, who shall be governed by the terms of the University's commitments and practices;

(*d*) to fix the number, duties, salaries and other emoluments of officers, agents and employees of the University;

(*e*) to appoint an executive committee and such other committees as it may deem advisable, to fix the quorum for meetings of such committees and to give or withhold from the chairmen thereof a casting vote, and to delegate to any such committee any of the powers of the Board;

(*f*) to borrow money on the credit of the University in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;

(*g*) to make, draw and endorse promissory notes or bills of exchange;

(*h*) to hypothecate, pledge, charge or mortgage any part or all of the property of the University to secure any money so borrowed or for the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;

(*i*) to issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations;

(*j*) to make by-laws and regulations for the conduct of the affairs of the Board, including the fixing of a quorum, the election of its members, and the filling of vacancies;

(*k*) to establish faculties, schools and institutes with the concurrence of the Senate.

Senate, composition

11. There shall be a Senate of the University composed of,

(*a*) the Chancellor;

(*b*) the chairman of the Board;

(*c*) the President;

(*d*) the Principal of Glendon College;

(*e*) the dean of each faculty;

(*f*) the Dean of Atkinson College;

(*g*) the Director of Libraries;

(*h*) the vice-presidents of the University;

(*i*) the chairmen of faculty departments and divisions;

(*j*) not fewer than two and not more than four members of the Board; and

(*k*) such numbers of other persons as the Senate may determine,

provided that full-time members of the teaching staff shall always constitute a majority of the members of the Senate.

Powers of Senate

12. The Senate is responsible for the academic policy of the University and may recommend to the Board the establishment of faculties, schools, institutes and departments, and the establishment of chairs, and may establish councils in the faculties, schools or institutes established, and may enact by-laws, rules and regulations for the conduct of its affairs, and, without limiting the generality of the foregoing, has power,

(*a*) to consult with the Board and to make recommendations as to the appointment of the Chancellor and the President;

(*b*) to determine and regulate the standards for the admission of students to the University, the contents and curricula of all courses of study, and the requirements for graduation;

(*c*) to conduct examinations and appoint examiners;

(*d*) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards for academic achievement;

(*e*) to confer the degrees of Bachelor, Master and Doctor and all other degrees, diplomas and certificates in all branches of learning that may appropriately be conferred by a University;

(*f*) after consultation with the Board, to confer honorary degrees.

President

13.—(1) There shall be a President of the University who shall be appointed by the Board after consultation with the Senate and who shall hold office during the pleasure of the Board.

Powers and duties of President

(2) The President is Vice-Chancellor and chief executive officer of the University and,

(*a*) in the absence of the Chancellor or if there is a vacancy in the office of Chancellor, shall perform the functions of the Chancellor;

(*b*) shall supervise and direct the implementation of the educational policy and general administration of the University, the teaching staff, officers, servants and the students thereof;

(*c*) has power to formulate and implement regulations governing the conduct of students and student activities;

(*d*) has power to recommend to the Board the appointment, promotion and removal of the teaching staff, officers and employees of the University;

(*e*) has power to recommend to the Board or the Senate the establishment of new faculties, schools, institutes, programmes and projects;

(*f*) has power to examine all the activities of the University and developments in higher education;

(*g*) has power to recommend to the Board or the Senate regulations to govern the activities of the faculties, schools, institutes, teaching staff and students;

(*h*) has power to establish presidential committees to study and to recommend action on matters affecting the University;

(*i*) has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

Vice-Presidents

(3) The Board may appoint one or more vice-presidents who shall have such powers and duties as may be conferred on him or them by the President, and one vice-president shall act as President when the President is absent or if there is a vacancy in the office of President and, while so acting, he has all the powers and duties of the President.

Chancellor

14. There shall be a Chancellor of the University appointed by the Board, after consultation with the Senate, who shall be the titular head of the University, who shall confer all degrees and who, subject to the will of the Board, shall hold office for three years or until his successor is appointed.

Religious tests not required

15. No religious test shall be required of any professor, lecturer, teacher, officer, employee or student of the University, nor shall any religious observances according to the regulations of any particular denomination or sect be imposed upon them.

Property

R.S.O. 1960, c. 191

16. The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

Trust property vested in University

17. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, is vested in the University.

Tax exemption

18. The property vested in the University and any lands and premises leased to and occupied by the University shall not be liable to taxation for provincial, municipal or school

purposes, and shall be exempt from every description of taxation so long as the same are actually used and occupied for the purposes of the University.

Property not liable to be expropriated

19. Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto.

Application of statute of limitations

20. All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Application of property

21. The property and the income, revenues, issues and profits of all property of the University shall be applied solely to achieving the objects and purposes of the University.

Investment of funds

22. The funds of the University not immediately required for its purposes and the proceeds of all property that come to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board deems meet.

Powers of affiliation

23. The University has power and capacity to affiliate with, or take into affiliation or federate with, other universities, colleges and institutions of learning on such terms and for such periods of time as the Board, after consultation with the Senate, may determine.

Audit

24. The accounts of the University shall be audited at least once a year.

Annual report

25. Upon the request of the Lieutenant Governor in Council, the University shall submit to him its annual report and shall submit such other reports as he may request from time to time.

1959, c. 145, repealed

26. *The York University Act, 1959* is repealed.

Commencement

27. This Act comes into force on the day it receives Royal Assent.

Short title

28. This Act may be cited as *The York University Act, 1965*.

1st Reading

May 20th, 1965

2nd Reading

May 28th, 1965

3rd Reading

June 21st, 1965

MR. DAVIS

BILL 150

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act respecting Lakehead University

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The Lakehead College of Arts, Science and Technology is created a University under the name "Lakehead University".

BILL 150 **1965**

An Act respecting Lakehead University

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Board" means the Board of Governors of Lakehead University;

(*b*) "Chancellor" means the Chancellor of the University;

(*c*) "President" means the President of the University;

(*d*) "property" includes real and personal property;

(*e*) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;

(*f*) "Senate" means the Senate of the University;

(*g*) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;

(*h*) "University" means Lakehead University.

College created a University

2. The Lakehead College of Arts, Science and Technology, hereafter to be known as "Lakehead University", the Board and faculties are hereby continued and, subject to the provisions of this Act, have, hold, possess and enjoy respectively all the rights, powers and privileges that they had at the time of the passing of this Act or that are conferred upon them by this Act.

Objects and purposes of University

3. The objects and purposes of the University are,

(*a*) the advancement of learning and the dissemination of knowledge; and

(*b*) the intellectual, social, moral and physical development of its members and the betterment of society.

Faculties, schools, etc.

4. The University may establish and maintain faculties, schools, institutes, departments, chairs and courses.

Degrees

5. The University may grant in all branches of learning any and all university degrees, diplomas and certificates.

Board body corporate

6. The Board of Governors of The Lakehead College of Arts, Science and Technology is hereby continued as a body corporate by the name "Board of Governors of Lakehead University".

Composition of Board

7. The members of The Board of Governors of The Lakehead College of Arts, Science and Technology cease to hold office on the day this Act comes into force, and thereafter the Board shall consist of not more than thirty members as follows:

1. The President.

2. The following twenty-four persons:

John Henry Charnock, Esq., Fort William,
John Edwin Johnston Fahlgren, Esq., Cochenour,
Morson Scarth Fotheringham, Esq., Atikokan,
Kenneth Andrew Miners, Esq., Fort William,
David Irving Nattress, Esq., Port Arthur,
Ernest Gilmour Pallister, Esq., Port Arthur,
Robert James Prettie, Esq., Port Arthur,
Andrew Lewis Kenneth Switzer, Esq., Longlac,

Murray William Babe, Esq., Fort William,
John Murray Fleming, Esq., Port Arthur,
Ernest Lorne Goodall, Esq., Port Arthur,
Thomas Sidney Jones, Esq., Dryden,
Bernard Shaffer, Esq., Fort William,
Burnley Wordlow Stevens, Esq., Fort William,
Frederick Leslie Stevens, Esq., Port Arthur,
William Gordon Tamblyn, Esq., Fort William,

Melville William Bartley, Esq., Port Arthur,
Donald Charles Clark, Esq., Port Arthur,
Robert John Flatt, Esq., Fort William,
Thomas Joseph Kane, Esq., Fort William,

James Robert Machan, Esq., Fort William,
John Norman Paterson, Esq., Fort William,
Gavin Henry Young, Esq., Port Arthur,
Roy Stewart Young, Esq., Fort William.

3. Three persons named by the Lieutenant Governor in Council.

4. One member appointed by the council of The Corporation of the City of Fort William for a term not to exceed three years.

5. One member appointed by the council of The Corporation of the City of Port Arthur for a term not to exceed three years.

Terms of office

8.—(1) Of the persons named in paragraph 2 of section 7, the first eight persons shall hold office for a period of three years, the next eight shall hold office for a period of two years and the remaining eight shall hold office for a period of one year, and, as the term of any such person expires, the vacancy shall be filled by election by the Board, and such election shall be for such a term as the Board may determine by by-law, and so on from time to time.

Idem

(2) Of the persons first named by the Lieutenant Governor in Council, the first person named shall hold office for a period of three years, the second person named shall hold office for a period of two years and the third person named shall hold office for a period of one year, and, as the term of any such person expires, the vacancy shall be filled by the Lieutenant Governor in Council, and such appointment shall be for a period of three years, and so on from time to time.

Filling of vacancies

(3) Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Eligibility for re-appointment, etc.

9. All members of the Board are eligible for re-appointment or re-election.

Chairman

10. The Board shall elect a chairman from among its members for such period as may be determined by the Board.

Declaration of vacancies

11. After thirty days notice to any member of the Board, the Board may, by resolution passed at a meeting of the Board by at least two-thirds of the total members of the Board, declare vacant the seat of such member.

Management of University vested in Board

12. Except as to such matters by this Act specifically assigned to the Senate, the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

(*a*) to appoint and remove the President and the vice-presidents, if any;

(*b*) to appoint, promote and remove the heads of all faculties and schools, the senior administrative officers of the University, the teaching staff of the University, and all such other officers and employees as the Board deems necessary or expedient for the the purposes of the University, but no person shall be appointed, promoted or removed as head of a faculty or school, as a senior administrative officer or as a member of the teaching staff of the University, except on the recommendation of the President;

(*c*) to fix the number, duties, salaries and other emoluments of the officers, agents and employees of the University;

(*d*) to appoint an executive committee and such other committees as it deems advisable, and to delegate to any such committee any of its powers;

(*e*) to establish such advisory bodies as it sees fit;

(*f*) to borrow money on the credit of the University in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;

(*g*) to make, draw and endorse promissory notes or bills of exchange;

(*h*) to hypothecate, pledge, charge or mortgage all or any part of the property of the University to secure any money so borrowed or for the fulfilment of the

obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;

(*i*) to issue bonds, debentures and obligations on such terms and conditions as it may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as it may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations;

(*j*) to provide for the retirement and superannuation of persons mentioned in clauses *a* and *b*;

(*k*) to provide for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities, life insurance or health insurance, or any combination thereof payable to, in respect of, or for the benefit of the persons mentioned in clauses *a* and *b* for any class or classes thereof out of a fund or funds comprising contributions made by such persons or any class or classes thereof, or by the Board, or both, or otherwise;

(*l*) to expend such sums as may be required for the purposes of funds which are established for the payment of gratuities, retirement allowances, pensions, life insurance or health insurance for the benefit of the persons mentioned in clauses *a* and *b*;

(*m*) to make by-laws respecting the meetings of the Board, including the determination of a quorum necessary for the transaction of business, fixing fees to be paid by students for instruction, examinations, certificates, diplomas and any ancillary activities.

Senate

13. There shall be a Senate of the University composed of,

(*a*) the President, the Academic Vice-President, if any, the Librarian and the Registrar of the University;

(*b*) the deans of all faculties;

(*c*) the heads or chairmen of teaching departments; and

(*d*) such other members of the teaching staff elected or appointed in such manner as the Senate may determine.

Powers of Senate

14. The Senate is responsible for the educational policy of the University, and, with the approval of the Board in so far as the expenditure of funds and the establishment of facilities are concerned, may create such faculties, departments, schools or institutes or establish such chairs as it may determine, may enact by-laws and regulations for the conduct of its affairs, and, without limiting the generality of the foregoing, has power,

(*a*) to control, regulate and determine the educational policy of the University;

(*b*) to determine the courses of study and standards of admissions to the University and continued membership therein, and the qualifications for degrees and diplomas;

(*c*) to conduct examinations and appoint examiners;

(*d*) to deal with all matters arising in connection with the awarding of fellowships, scholarships, bursaries, medals, prizes and other awards;

(*e*) to confer the degrees of Bachelor, Master and Doctor, and all other degrees and diplomas in all branches of learning that may appropriately be conferred by a university;

(*f*) to confer honorary degrees in any department of learning;

(*g*) to create faculty councils or committees and committees generally to exercise its powers.

President

15.—(1) There shall be a President of the University who shall be appointed by the Board and who, unless otherwise provided by the Board, shall hold office during the pleasure of the Board.

Vice-presidents

(2) The Board may appoint one or more vice-presidents who shall have such powers and duties as may be conferred on him or them by the Board on the recommendation of the President, and one vice-president shall act as President when the President is absent or if there is a vacancy in the office of President and, while so acting, he has all the powers and duties of the President.

President to be chief executive officer, etc.

(3) The President is Vice-Chancellor and chief executive officer of the University and chairman of the Senate, and, when the Chancellor is absent or if there is a vacancy in the office

of the Chancellor, he shall perform the functions of the Chancellor, and, subject to the will of the Board, the President has supervision over and direction of the academic work and general administration of the University and the teaching staff, officers and employees and students thereof, and has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

Chancellor

16.—(1) There shall be a Chancellor who shall be the titular head of the University, who shall confer all degrees, diplomas and certificates and who shall hold office for three years and until his successor is elected.

Election by electoral board

(2) The Chancellor shall be elected by an electoral board consisting of the President, twelve members appointed by the Board and twelve members appointed by the Senate.

Chairman of electoral board

(3) The President shall act as chairman of the electoral board.

Vacancy in office of Chancellor

(4) Should a vacancy occur in the office of Chancellor before the term of office has expired, the President shall convene an electoral board, and the new Chancellor shall hold office for a three-year term.

Eligibility for re-election

(5) The Chancellor is eligible for re-election.

Religious tests not required

17. No religious test shall be required of any professor, lecturer, teacher, officer, employee or student of the University, nor shall any religious observances according to the regulations of any particular denomination or sect be imposed upon them.

Superannuation

R.S.O. 1960, c. 392

18. *The Teachers' Superannuation Act* applies to teachers who are on the teaching staff of the University on the day this Act comes into force in the same manner as if the University were specified by name in subclause v of clause *d* of section 1 of that Act.

Property

R.S.O. 1960, c. 191

19. The Board has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

Trust property vested in Board

20. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of The Lakehead College of Arts, Science and Technology or of the University, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, is vested in the Board.

Tax exemption

21. The property vested in the Board and any lands and premises leased to and occupied by the Board or the University are not liable to taxation for provincial, municipal or school purposes, and are exempt from every description of taxation so long as the same are actually used and occupied for the purposes of the University.

Property of University not liable to be expropriated

22. Real property vested in the Board is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto.

Application of statute of limitations

23. All property vested in the Board shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Application of property

24. The property and the income, revenues, issues and profits of all property of the Board shall be applied solely to achieving the objects and purposes of the University.

Investment of funds

25. The funds of the Board not immediately required for its purposes and the proceeds of all property that come to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board deems meet.

Powers of affiliation

26. The Board has power to affiliate the University with, or take into affiliation or federation with the University, other universities, colleges and institutions of learning on such terms and for such periods of time as the Board may determine.

Audit

27. The accounts of the Board shall be audited at least once a year.

Annual report

28. Upon the request of the Lieutenant Governor in Council, the Board shall submit to him its annual report and shall submit such other reports as he may request from time to time.

29. The following are repealed: Repeal

1. *The Lakehead College of Arts, Science and Technology Act, 1956.* 1956, c. 36

2. *The Lakehead College of Arts, Science and Technology Amendment Act, 1961-62.* 1961-62, c. 69

30. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

31. This Act may be cited as *The Lakehead University Act, 1965.* Short title

1st Reading

May 20th, 1965

2nd Reading

3rd Reading

MR. DAVIS

BILL 150

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act respecting Lakehead University

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 150 **1965**

An Act respecting Lakehead University

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Board" means the Board of Governors of Lakehead University;

(*b*) "Chancellor" means the Chancellor of the University;

(*c*) "President" means the President of the University;

(*d*) "property" includes real and personal property;

(*e*) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;

(*f*) "Senate" means the Senate of the University;

(*g*) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;

(*h*) "University" means Lakehead University.

2. The Lakehead College of Arts, Science and Technology, hereafter to be known as "Lakehead University", the Board and faculties are hereby continued and, subject to the provisions of this Act, have, hold, possess and enjoy respectively all the rights, powers and privileges that they had at the time of the passing of this Act or that are conferred upon them by this Act. College created a University

Objects and purposes of University

3. The objects and purposes of the University are,

(*a*) the advancement of learning and the dissemination of knowledge; and

(*b*) the intellectual, social, moral and physical development of its members and the betterment of society.

Faculties, schools, etc.

4. The University may establish and maintain faculties, schools, institutes, departments, chairs and courses.

Degrees

5. The University may grant in all branches of learning any and all university degrees, diplomas and certificates.

Board body corporate

6. The Board of Governors of The Lakehead College of Arts, Science and Technology is hereby continued as a body corporate by the name "Board of Governors of Lakehead University".

Composition of Board

7. The members of The Board of Governors of The Lakehead College of Arts, Science and Technology cease to hold office on the day this Act comes into force, and thereafter the Board shall consist of not more than thirty members as follows:

1. The President.

2. The following twenty-four persons:

John Henry Charnock, Esq., Fort William,
John Edwin Johnston Fahlgren, Esq., Cochenour,
Morson Scarth Fotheringham, Esq., Atikokan,
Kenneth Andrew Miners, Esq., Fort William,
David Irving Nattress, Esq., Port Arthur,
Ernest Gilmour Pallister, Esq., Port Arthur,
Robert James Prettie, Esq., Port Arthur,
Andrew Lewis Kenneth Switzer, Esq., Longlac,

Murray William Babe, Esq., Fort William,
John Murray Fleming, Esq., Port Arthur,
Ernest Lorne Goodall, Esq., Port Arthur,
Thomas Sidney Jones, Esq., Dryden,
Bernard Shaffer, Esq., Fort William,
Burnley Wordlow Stevens, Esq., Fort William,
Frederick Leslie Stevens, Esq., Port Arthur,
William Gordon Tamblyn, Esq., Fort William,

Melville William Bartley, Esq., Port Arthur,
Donald Charles Clark, Esq., Port Arthur,
Robert John Flatt, Esq., Fort William,
Thomas Joseph Kane, Esq., Fort William,

James Robert Machan, Esq., Fort William,
John Norman Paterson, Esq., Fort William,
Gavin Henry Young, Esq., Port Arthur,
Roy Stewart Young, Esq., Fort William.

3. Three persons named by the Lieutenant Governor in Council.

4. One member appointed by the council of The Corporation of the City of Fort William for a term not to exceed three years.

5. One member appointed by the council of The Corporation of the City of Port Arthur for a term not to exceed three years.

Terms of office

8.—(1) Of the persons named in paragraph 2 of section 7, the first eight persons shall hold office for a period of three years, the next eight shall hold office for a period of two years and the remaining eight shall hold office for a period of one year, and, as the term of any such person expires, the vacancy shall be filled by election by the Board, and such election shall be for such a term as the Board may determine by by-law, and so on from time to time.

Idem

(2) Of the persons first named by the Lieutenant Governor in Council, the first person named shall hold office for a period of three years, the second person named shall hold office for a period of two years and the third person named shall hold office for a period of one year, and, as the term of any such person expires, the vacancy shall be filled by the Lieutenant Governor in Council, and such appointment shall be for a period of three years, and so on from time to time.

Filling of vacancies

(3) Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Eligibility for re-appointment, etc.

9. All members of the Board are eligible for re-appointment or re-election.

Chairman

10. The Board shall elect a chairman from among its members for such period as may be determined by the Board.

Declaration of vacancies

11. After thirty days notice to any member of the Board, the Board may, by resolution passed at a meeting of the Board by at least two-thirds of the total members of the Board, declare vacant the seat of such member.

Management of University vested in Board

12. Except as to such matters by this Act specifically assigned to the Senate, the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

(*a*) to appoint and remove the President and the vice-presidents, if any;

(*b*) to appoint, promote and remove the heads of all faculties and schools, the senior administrative officers of the University, the teaching staff of the University, and all such other officers and employees as the Board deems necessary or expedient for the the purposes of the University, but no person shall be appointed, promoted or removed as head of a faculty or school, as a senior administrative officer or as a member of the teaching staff of the University, except on the recommendation of the President;

(*c*) to fix the number, duties, salaries and other emoluments of the officers, agents and employees of the University;

(*d*) to appoint an executive committee and such other committees as it deems advisable, and to delegate to any such committee any of its powers;

(*e*) to establish such advisory bodies as it sees fit;

(*f*) to borrow money on the credit of the University in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;

(*g*) to make, draw and endorse promissory notes or bills of exchange;

(*h*) to hypothecate, pledge, charge or mortgage all or any part of the property of the University to secure any money so borrowed or for the fulfilment of the

obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;

(*i*) to issue bonds, debentures and obligations on such terms and conditions as it may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as it may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations;

(*j*) to provide for the retirement and superannuation of persons mentioned in clauses *a* and *b*;

(*k*) to provide for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities, life insurance or health insurance, or any combination thereof payable to, in respect of, or for the benefit of the persons mentioned in clauses *a* and *b* for any class or classes thereof out of a fund or funds comprising contributions made by such persons or any class or classes thereof, or by the Board, or both, or otherwise;

(*l*) to expend such sums as may be required for the purposes of funds which are established for the payment of gratuities, retirement allowances, pensions, life insurance or health insurance for the benefit of the persons mentioned in clauses *a* and *b*;

(*m*) to make by-laws respecting the meetings of the Board, including the determination of a quorum necessary for the transaction of business, fixing fees to be paid by students for instruction, examinations, certificates, diplomas and any ancillary activities.

Senate

13. There shall be a Senate of the University composed of,

(*a*) the President, the Academic Vice-President, if any, the Librarian and the Registrar of the University;

(*b*) the deans of all faculties;

(*c*) the heads or chairmen of teaching departments; and

(*d*) such other members of the teaching staff elected or appointed in such manner as the Senate may determine.

Powers of Senate

14. The Senate is responsible for the educational policy of the University, and, with the approval of the Board in so far as the expenditure of funds and the establishment of facilities are concerned, may create such faculties, departments, schools or institutes or establish such chairs as it may determine, may enact by-laws and regulations for the conduct of its affairs, and, without limiting the generality of the foregoing, has power,

(*a*) to control, regulate and determine the educational policy of the University;

(*b*) to determine the courses of study and standards of admissions to the University and continued membership therein, and the qualifications for degrees and diplomas;

(*c*) to conduct examinations and appoint examiners;

(*d*) to deal with all matters arising in connection with the awarding of fellowships, scholarships, bursaries, medals, prizes and other awards;

(*e*) to confer the degrees of Bachelor, Master and Doctor, and all other degrees and diplomas in all branches of learning that may appropriately be conferred by a university;

(*f*) to confer honorary degrees in any department of learning;

(*g*) to create faculty councils or committees and committees generally to exercise its powers.

President

15.—(1) There shall be a President of the University who shall be appointed by the Board and who, unless otherwise provided by the Board, shall hold office during the pleasure of the Board.

Vice-presidents

(2) The Board may appoint one or more vice-presidents who shall have such powers and duties as may be conferred on him or them by the Board on the recommendation of the President, and one vice-president shall act as President when the President is absent or if there is a vacancy in the office of President and, while so acting, he has all the powers and duties of the President.

President to be chief executive officer, etc.

(3) The President is Vice-Chancellor and chief executive officer of the University and chairman of the Senate, and, when the Chancellor is absent or if there is a vacancy in the office

of the Chancellor, he shall perform the functions of the Chancellor, and, subject to the will of the Board, the President has supervision over and direction of the academic work and general administration of the University and the teaching staff, officers and employees and students thereof, and has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

Chancellor

16.—(1) There shall be a Chancellor who shall be the titular head of the University, who shall confer all degrees, diplomas and certificates and who shall hold office for three years and until his successor is elected.

Election by electoral board

(2) The Chancellor shall be elected by an electoral board consisting of the President, twelve members appointed by the Board and twelve members appointed by the Senate.

Chairman of electoral board

(3) The President shall act as chairman of the electoral board.

Vacancy in office of Chancellor

(4) Should a vacancy occur in the office of Chancellor before the term of office has expired, the President shall convene an electoral board, and the new Chancellor shall hold office for a three-year term.

Eligibility for re-election

(5) The Chancellor is eligible for re-election.

Religious tests not required

17. No religious test shall be required of any professor, lecturer, teacher, officer, employee or student of the University, nor shall any religious observances according to the regulations of any particular denomination or sect be imposed upon them.

Superannuation R.S.O. 1960, c. 392

18. *The Teachers' Superannuation Act* applies to teachers who are on the teaching staff of the University on the day this Act comes into force in the same manner as if the University were specified by name in subclause v of clause *d* of section 1 of that Act.

Property R.S.O. 1960, c. 191

19. The Board has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

Trust property vested in Board

20. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of The Lakehead College of Arts, Science and Technology or of the University, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, is vested in the Board.

Tax exemption

21. The property vested in the Board and any lands and premises leased to and occupied by the Board or the University are not liable to taxation for provincial, municipal or school purposes, and are exempt from every description of taxation so long as the same are actually used and occupied for the purposes of the University.

Property of University not liable to be expropriated

22. Real property vested in the Board is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto.

Application of statute of limitations

23. All property vested in the Board shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Application of property

24. The property and the income, revenues, issues and profits of all property of the Board shall be applied solely to achieving the objects and purposes of the University.

Investment of funds

25. The funds of the Board not immediately required for its purposes and the proceeds of all property that come to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board deems meet.

Powers of affiliation

26. The Board has power to affiliate the University with, or take into affiliation or federation with the University, other universities, colleges and institutions of learning on such terms and for such periods of time as the Board may determine.

Audit

27. The accounts of the Board shall be audited at least once a year.

Annual report

28. Upon the request of the Lieutenant Governor in Council, the Board shall submit to him its annual report and shall submit such other reports as he may request from time to time.

29. The following are repealed: Repeal

1. *The Lakehead College of Arts, Science and Technology Act, 1956.* 1956, c. 36

2. *The Lakehead College of Arts, Science and Technology Amendment Act, 1961-62.* 1961-62, c. 69

30. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

31. This Act may be cited as *The Lakehead University Act, 1965.* Short title

1st Reading

May 20th, 1965

2nd Reading

May 28th, 1965

3rd Reading

June 21st, 1965

MR. DAVIS

BILL 151

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Agricultural Research Institute of Ontario Act, 1961-62

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

This Bill is complementary to Bill No. 152, *An Act to amend The University of Guelph Act, 1964.*

BILL 151 **1965**

An Act to amend The Agricultural Research Institute of Ontario Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Agricultural Research Institute of Ontario Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 1, s. 4, subs. 1, re-enacted

(1) All property heretofore or hereafter granted, conveyed, devised or bequeathed for purposes of research to, or to any person in trust for, any institutions of the Department of Agriculture that are engaged in research is vested in the Research Institute, subject to any trust affecting the same. Property

2. This Act comes into force on the 1st day of September, 1965. Commencement

3. This Act may be cited as *The Agricultural Research Institute of Ontario Amendment Act, 1965*. Short title

of Ontario Act, 1961-62

1st Reading

May 21st, 1965

2nd Reading

3rd Reading

MR. STEWART

1965

BILL 151

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Agricultural Research Institute of Ontario Act, 1961-62

MR. STEWART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 151 **1965**

An Act to amend The Agricultural Research Institute of Ontario Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Agricultural Research Institute of Ontario Act, 1961-62* is repealed and the following substituted therefor: 1961-62, c. 1, s. 4, subs. 1, re-enacted

(1) All property heretofore or hereafter granted, conveyed, devised or bequeathed for purposes of research to, or to any person in trust for, any institutions of the Department of Agriculture that are engaged in research is vested in the Research Institute, subject to any trust affecting the same. Property

2. This Act comes into force on the 1st day of September, 1965. Commencement

3. This Act may be cited as *The Agricultural Research Institute of Ontario Amendment Act, 1965*. Short title

The Agricultural Research Institute
of Ontario Act, 1961-62

1st Reading

May 21st, 1965

2nd Reading

May 28th, 1965

3rd Reading

June 21st, 1965

MR. STEWART

1965

BILL 152

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The University of Guelph Act, 1964

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

This Bill provides for transference of the equipment of the Federated Colleges of Agriculture and much of the land on which it stands to the University of Guelph.

BILL 152 **1965**

An Act to amend The University of Guelph Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 3 of *The University of Guelph Act, 1964* is repealed and the following substituted therefor: 1964, c. 120, s. 3, cl. *a*, re-enacted

(*a*) the advancement of learning and the dissemination of knowledge, including, without limiting the generality of the foregoing, the advancement of learning and the dissemination of knowledge respecting agriculture; and

. . . . .

2. Section 11 of *The University of Guelph Act, 1964* is amended by adding thereto the following clause: 1964, c. 120, s. 11, amended

(*j*) to enter into agreements with the Agricultural Research Institute of Ontario or with the Minister of Agriculture for the purpose of advancing learning and disseminating knowledge respecting agriculture in such manner, on such terms and under such conditions as may be agreed upon from time to time.

3. Section 18 of *The University of Guelph Act, 1964* is repealed and the following substituted therefor: 1964, c. 120, s. 18, re-enacted

18.—(1) Subject to subsection 3, all property that is vested in the Agricultural Research Institute of Ontario and situated on the lands described in the Schedule hereto on the 1st day of September, 1965, and all property heretofore or hereafter granted, conveyed, devised or bequeathed to, or to any person in trust for or for the benefit of, the Federated Colleges of the Department of Agriculture or any of Property of Research Institute and Federated Colleges vested in University

them, the University or any faculty, school or department thereof or otherwise in connection therewith, subject to any trust affecting the same, are vested in the University.

Certain Crown property vested in University

(2) Subject to subsection 3, all property vested in Her Majesty the Queen in right of Ontario, other than that vested in the University under subsection 1, lying within the boundaries described in the Schedule hereto, on the 1st day of September, 1965, is vested in the University.

Power to reserve Crown property

(3) The Lieutenant Governor in Council may,

(*a*) designate, before the 1st day of January, 1967, real property lying within the boundaries firstly described in the Schedule hereto, not exceeding in total area thirty-five acres, together with all necessary easements for sewers, watermains, lines of electric power, telephone lines and other utilities, and for ingress and egress by vehicles and pedestrians; and

(*b*) designate, before the 1st day of September, 1965, property other than real property situated on the lands described in the Schedule hereto,

and, notwithstanding subsections 1 and 2, the property so designated shall be deemed not to have vested in the University, and thereupon any property so designated shall vest in Her Majesty the Queen in right of Ontario.

Release

(4) The Lieutenant Governor in Council may, at any time before the 1st day of January, 1967, release any real property referred to in subsection 2, and subsection 3 does not apply to land so released.

1964, c. 120, s. 29, repealed

4. Section 29 of *The University of Guelph Act, 1964* is repealed.

1964, c. 120, amended

5. *The University of Guelph Act, 1964* is amended by adding thereto the following Schedule:

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Guelph, and in the Township of Puslinch, both in the County of Wellington, in the Province of Ontario, and being composed of Part of Lots 4, 5, 6, 7 and 8, Concession 1, Lots 6 and 7 and part of Lots 4, 5, 8 and 9, Concession 2, Lots 6 and 7 and part of Lots 8 and 9, Concession 3, part of Lot 9, Concession 4, all in Division "G" in the said Township of Guelph, and Lots 1 to 27 inclusive, Blocks A and B, College Crescent, and Lanes, according to Registered Plan 409, part of Lot 1, according to Registered Plan 283, Lots 6, 7 and 8, according to Registered Plan 378, all in the said Township of Guelph, and part of Lot 1, Concession 7, in the said Township of Puslinch, the boundaries of the said parcels being described as follows: Premising that the bearings are astronomic and are referred to the southerly limit of Lot 9, Concession 2, Division "G", in the said Township of Guelph, having a bearing of north forty-four degrees, eleven minutes east (N. 44° 11′ E.) derived from astronomic observation (Polaris) and relating all bearings herein thereto.

Firstly: Being Lots 6 and 7 and Part of Lots 8 and 9 in Concession 3, Division "G", in the said Township of Guelph: Commencing at the most southerly angle of the said Lot 9, Concession 3; thence north forty-five degrees, twenty-three minutes, thirty seconds west (N. 45° 23′ 30″ W.) and following the southwesterly limits of the said Lots 9 and 8, one thousand, four hundred and eighty-four and fifty-two one-hundredths feet (1484.52′); thence north forty-five degrees, thirty-four minutes, fifty seconds west (N. 45° 34′ 50″ W.) and following the southwesterly limits of the said Lots 7 and 6, one thousand, three hundred and fifty-two and eighty-two one-hundredths feet (1352.82′) to the most westerly angle of the said Lot 6; thence north forty-four degrees, thirty-six minutes, forty seconds east (N. 44° 36′ 40″ E.) and following the northwesterly limit of the said Lot 6, one thousand, six hundred and seventy-four and fifteen one-hundredths feet (1674.15′); thence north forty-four degrees, forty-two minutes, forty seconds east (N. 44° 42′ 40″ E.) and continuing along the said northwesterly limit, one thousand, six hundred and seventy-two and thirty-one one-hundredths feet (1672.31′) to the most northerly angle of the said Lot 6, being also a point in the southwesterly limit of Highway 6; thence south forty-five degrees, thirty-six minutes, twenty seconds east (S. 45° 36′ 20″ E.) and following the said southwesterly limit of Highway 6, one thousand, one hundred and one and ninety-six one-hundredths feet (1101.96′); thence south forty-five degrees, twenty-two minutes, twenty seconds east (S. 45° 22′ 20″ E.) and continuing along the said southwesterly limit of Highway 6, three hundred and fourteen and eleven one-hundredths feet (314.11′); thence south forty-four degrees, forty-three minutes west (S. 44° 43′ W.) seventeen and forty-six one-hundredths feet (17.46′) to the southwesterly limit of Highway 6 as widened; thence south forty-five degrees, seventeen minutes, twenty seconds east (S. 45° 17′ 20″ E.) and following the said widened limit, one thousand and eighty-seven and fifty-one one-hundredths feet (1087.51′); thence continuing along the said widened limit, being a curve to the left, having a radius of one thousand, six hundred and eighty-seven and two one-hundredths feet (1687.02′), an arc distance of two hundred and seventy-one and eighty-seven one-hundredths feet (271.87′), the chord equivalent being a distance of two hundred and seventy-one and fifty-eight one-hundredths feet (271.58′) on a bearing of south forty-nine degrees, fifty-four minutes, twenty seconds east (S. 49° 54′ 20″ E.); thence south forty-five degrees, thirty-five minutes east (S. 45° 35′ E.) forty-three and seventy one-hundredths feet (43.70′) to a point in the southeasterly limit of the said Lot 9; thence south forty-four degrees, twenty minutes west (S. 44° 20′ W.) and following the said southeasterly limit, three thousand, three hundred and forty-eight and fifty-six one-hundredths feet (3348.56′), more or less, to the point of commencement; AND DESIGNATED AS PART 1 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Secondly: Being Part of Lot 9 in Concession 4, Division "G", in the said Township of Guelph: Commencing at the most southerly angle of the said Lot 9, Concession 4; thence north forty-four degrees, sixteen minutes, twenty seconds east (N. 44° 16′ 20″ E.) and following the south-

easterly limit of the said Lot, seven hundred and thirty-four and sixty-eight one-hundredths feet (734.68′); thence north twenty-two degrees, fifty-six minutes, forty seconds west (N. 22° 56′ 40″ W.) nine hundred and two and seventy-nine one-hundredths feet (902.79′) to a point in the northwesterly limit of the said Lot; thence south forty-four degrees, fifty-three minutes, forty seconds west (S. 44° 53′ 40″ W.) and following the said northwesterly limit, one hundred and fifty-one and eighty-six one-hundredths feet (151.86′); thence south forty-three degrees, seventeen minutes, twenty seconds west (S. 43° 17′ 20″ W.) and continuing along the said northwesterly limit, one hundred and ninety and fifty-six one-hundredths feet (190.56′); thence south forty-three degrees, thirty-one minutes, thirty seconds west (S. 43° 31′ 30″ W.) and continuing along the said northwesterly limit, one hundred and ninety-four and seventy-two one-hunhundredths feet (194.72′); thence south forty-five degrees, thirty minutes, thirty seconds east (S. 45° 30′ 30″ E.) four hundred and five and twenty-six one-hundredths feet (405.26′); thence south forty-four degrees, four minutes, twenty seconds west (S. 44° 04′ 20″ W.) five hundred and forty-four and forty-six one-hundredths feet (544.46′) to a point in the southwesterly limit of the said Lot; thence south forty-five degrees, thirty-one minutes, ten seconds east (S. 45° 31′ 10″ E.) and following the said southwesterly limit, four hundred and twenty-one and thirty-three one-hundredths feet (421.33′), more or less, to the point of commencement; AND DESIGNATED AS PART 2 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Thirdly: Being part of Lot 9 in Concession 4, Division "G", in the said Township of Guelph: Commencing at a point in the southeasterly limit of the said Lot distant seven hundred and thirty-four and sixty-eight one-hundredths feet (734.68′) measured north forty-four degrees, sixteen minutes, twenty seconds east (N. 44° 16′ 20″ E.) along the said southeasterly limit from the most southerly angle of the said Lot; thence continuing north forty-four degrees, sixteen minutes, twenty seconds east (N. 44° 16′ 20″ E.) and following the said southeasterly limit seventy-one and fifty-eight one-hundredths feet (71.58′); thence north twenty-two degrees, fifty-six minutes, forty seconds west (N. 22° 56′ 40″ W.) nine hundred and one and ninety-five one-hundredths feet (901.95′) to a point in the northwesterly limit of the said Lot; thence south forty-four degrees, fifty-three minutes, forty seconds west (S. 44° 53′ 40″ W.) and following the said northwesterly limit, seventy-one and twenty-six one-hundredths feet (71.26′); thence south twenty-two degrees, fifty-six minutes, forty seconds east (S. 22° 56′ 40″ E.) nine hundred and two and seventy-nine one-hundredths feet (902.79′), more or less, to the point of commencement; AND DESIGNATED AS PART 3 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Fourthly: Being part of Lot 9 in Concession 4, Division "G", in the said Township of Guelph: Commencing at the most easterly angle of the said Lot; thence south forty-four degrees, sixteen minutes, twenty seconds west (S. 44° 16′ 20″ W.) and following the southeasterly limit of the said Lot, six hundred and four and sixty-three one-hundredths feet (604.63′); thence north forty-five degrees, nineteen minutes, forty seconds west (N. 45° 19′ 40″ W.) two hundred and eighty-four and forty one-hundredths feet (284.40′); thence south forty-four degrees, sixteen minutes, twenty seconds west (S. 44° 16′ 20″ W.) one hundred and fifty-three and twenty one-hundredths feet (153.20′); thence south forty-five degrees, nineteen minutes, forty seconds east (S. 45° 19′ 40″ E.) two hundred and eighty-four and forty one-hundredths feet (284.40′) to a point in the said southeasterly limit of the Lot; thence south forty-four degrees, sixteen minutes, twenty seconds west (S. 44° 16′ 20″ W.) and following the said southeasterly limit six hundred and seventeen and ninety-one one-hundredths feet (617.91′); thence north forty-four degrees, fifty-six minutes, ten seconds west (N. 44° 56′ 10″ W.) eight hundred and six and twenty one-hundredths feet (806.20′); thence south forty-three degrees, fifty minutes, forty seconds west (S. 43° 50′ 40″ W.) four hundred and forty-one feet (441.00′); thence south forty-five degrees, twenty-two minutes east (S. 45° 22′ E.) eight hundred and three feet (803.00′) to a point in the said southeasterly limit of the Lot ; thence south forty-four degrees, sixteen minutes, twenty seconds west (S. 44° 16′ 20″ W.) and following the said south-

easterly limit, seven hundred and forty-five and sixty-five one-hundredths feet (745.65′); thence north twenty-two degrees, fifty-six minutes, forty seconds west (N. 22° 56′ 40″ W.) nine hundred and one and ninety-five one-hundredths feet (901.95′) to a point in the northwesterly limit of the said Lot; thence north forty-four degrees, fifty-three minutes, forty seconds east (N. 44° 53′ 40″ E.) and following the said northwesterly limit, fifty-nine and eighty-four one-hundredths feet (59.84′); thence north forty-four degrees, thirty-four minutes, forty seconds east (N. 44° 34′ 40″ E.) and continuing along the said northwesterly limit, five hundred and eighty-nine and ninety-seven one-hundredths feet (589.97′); thence north forty-four degrees, five minutes, twenty seconds east (N. 44° 05′ 20″ E.) and continuing along the said northwesterly limit, five hundred feet (500.00′); thence north forty-four degrees, forty-six minutes, forty seconds east (N. 44° 46′ 40″ E.) and continuing along the said northwesterly limit, one thousand and sixty-two and six one-hundredths feet (1062.06′) to a point in the northeasterly limit of the said Lot; thence south forty-five degrees, twenty-three minutes, thirty seconds east (S. 45° 23′ 30″ E.) and following the said northeasterly limit, eight hundred and nineteen and eighty-six one-hundredths feet (819.86′), more or less, to the point of commencement; AND DESIGNATED AS PART 4 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Fifthly: Being part of Lots 4 and 5 in Concession 1, Division "G", in the said Township of Guelph: Commencing at the most southerly angle of the said Lot 5; thence north forty-five degrees, five minutes, fifty seconds west (N. 45° 05′ 50″ W.) and following the southwesterly limit of the said Lot 5, six hundred and seventy-one feet (671.00′); thence north forty-six degrees, nine minutes, fifty seconds west (N. 46° 09′ 50″ W.) and following the southwesterly limit of the said Lot 4, five hundred and sixteeen and forty-three one-hundredths feet (516.43′); thence north forty-three degrees, sixteen minutes, thirty seconds east (N. 43° 16′ 30″ E.) five hundred and forty-one and thirty-one one-hundredths feet (541.31′); thence north forty-five degrees, fifteen minutes, fifty seconds west (N. 45° 15′ 50″ W.) one hundred and thirty-six and forty-three one-hundredths feet (136.43′); thence north forty-one degrees, forty-eight minutes east (N. 41° 48′ E.) two hundred and twenty-one and eighty-five one-hundredths feet (221.85′) to a point in the northwesterly limit of the said Lot 4; thence north forty-four degrees, thirty-two minutes, thirty seconds east (N. 44° 32′ 30″ E.) and following the said northwesterly limit, nine hundred and twenty-five and fifty one-hundredths feet (925.50′); thence south forty-six degrees, eight minutes, forty seconds east (S. 46° 08′ 40″ E.) eighty-four and ninety one-hundredths feet (84.90′); thence north thirty-nine degrees, forty-nine minutes, fifty seconds east (N. 39° 49′ 50″ E.) one thousand and thirty-one and thirty-eight one-hundredths feet (1031.38′) to a point in the said northwesterly limit; thence north forty-four degrees, thirty-two minutes, thirty seconds east (N. 44° 32′ 30″ E.) and following the said northwesterly limit six hundred and thirty-five and four one-hundredths feet (635.04′) to a point in the southwesterly limit of the allowance for road between Divisions "C" and "G" in the said Township of Guelph as widened, the said allowance being sometimes known as Victoria Road; thence south forty-five degrees, eighteen minutes, thirty seconds east (S. 45° 18′ 30″ E.) one thousand, two hundred and ninety-six and fifty one-hundredths feet (1296.50′); thence south zero degrees, twenty-three minutes east (S. 0° 23′ E.) seventy and eighty one-hundredths feet (70.80′) to a point in the southeasterly limit of the said Lot 5; thence south forty-four degrees, thirty-two minutes, thirty seconds west (S. 44° 32′ 30″ W.) and following the said southeasterly limit three thousand, two hundred and ninety-six and fifty-seven one-hundredths feet (3296.57′), more or less, to the point of commencement; AND DESIGNATED AS PART 5 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Sixthly: Being part of Lot 4 in Concession 1, Division "G", in the said Township of Guelph: Commencing at a point in the southwesterly limit of the said Lot, distant five hundred and sixteen and forty-three one-hundredths feet (516.43′) measured north forty-six degrees, nine minutes, fifty seconds west (N. 46° 09′ 50″ W.) along the said southwesterly limit from a point distant six hundred and seventy-one feet (671.00′) measured north forty-five degrees, five minutes, fifty seconds west (N. 45°

05′ 50″ W.) along the southwesterly limit of Lot 5 in Concession 1, Division "G", from the most southerly angle of the said Lot 5; thence north forty-three degrees, sixteen minutes, thirty seconds east (N. 43° 16′ 30″ E.) five hundred and forty-one and thirty-one one-hundredths feet (541.31′); thence north forty-five degrees, fifteen minutes, fifty seconds west (N. 45° 15′ 50″ W.) one hundred and thirty-six and forty-three one-hundredths feet (136.43′); thence north forty-one degrees, forty-eight minutes east (N. 41° 48′ E.) two hundred and twenty-one and eighty-five one-hundredths feet (221.85′) to a point in the northwesterly limit of the said Lot 4; thence south forty-four degrees, thirty-two minutes, thirty seconds west (S. 44° 32′ 30″ W.) and following the said northwesterly limit seven hundred and sixty-five and twenty one-hundredths feet (765.20′) to the most westerly angle of the said Lot 4; thence south forty-six degrees, nine minutes, fifty seconds east (S. 46° 09′ 50″ E.) along the said southwesterly limit of Lot 4 one hundred and fifty-nine and fifteen one-hundredths feet (159.15′), more or less, to the point of commencement; AND DESIGNATED AS PART 6 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Seventhly: Being part of Lot 4 in Concession 1, Division "G", in the said Township of Guelph: Commencing at a point in the northwesterly limit of the said Lot, distant one thousand, six hundred and ninety and seventy one-hundredths feet (1690.70′) measured north forty-four degrees, thirty-two minutes, thirty seconds east (N. 44° 32′ 30″ E.) along the said northwesterly limit from the most westerly angle of the said Lot; thence south forty-six degrees, eight minutes, forty seconds east (S. 46° 08′ 40″ E.) eighty-four and ninety one-hundredths feet (84.90′); thence north thirty-nine degrees, forty-nine minutes, fifty seconds east (N. 39° 49′ 50″ E.) one thousand and thirty-one and thirty-eight one-hundredths feet (1031.38′) to a point in the said northwesterly limit; thence south forty-four degrees, thirty-two minutes, thirty seconds west (S. 44° 32′ 30″ W.) and following the said northwesterly limit one thousand and twenty-eight and eighty-nine one-hundredths feet (1028.89′), more or less, to the point of commencement; AND DESIGNATED AS PART 7 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Eighthly: Being Lots 6 and 7 in Concession 2, Part of Lots 8 and 9 in Concession 2, and part of Lots 6, 7 and 8 in Concession 1, all in Division "G", in the said Township of Guelph, and Lots 1 to 27 inclusive, Blocks A and B, College Crescent and Lanes, all according to Registered Plan 409, in the said Township of Guelph: Commencing at the most westerly angle of the said Lot 6, Concession 2, being also a point in the northeasterly limit of Highway 6; thence south forty-five degrees, thirty-six minutes, twenty seconds east (S. 45° 36′ 20″ E.) and following the said northeasterly limit one thousand, one hundred and one and seventy-nine one-hundredths feet (1101.79′); thence south forty-five degrees, twenty-two minutes, twenty seconds east (S. 45° 22′ 20″ E.) and continuing along the said northeasterly limit, three hundred and fourteen and thirty-two one-hundredths feet (314.32′); thence north forty-four degrees, forty-three minutes east (N. 44° 43′ E.) sixteen and fifty-four one-hundredths feet (16.54′) to a point in the northeasterly limit of the said Highway 6 as widened; thence south forty-five degrees, seventeen minutes, twenty seconds east (S. 45° 17′ 20″ E.) and following the said limit of Highway 6 as widened, six hundred and ninety-seven and twenty-two one-hundredths feet (697.22′); thence south forty-five degrees, thirty-five minutes east (S. 45° 35′ E.) and continuing along the said limit of Highway 6 as widened, six hundred and seventy-three and forty-six one-hundredths feet (673.46′); thence north forty-eight degrees, fifty-seven minutes east (N. 48° 57′ E.) two hundred and fifty-seven and seventy-seven one-hundredths feet (257.77′); thence north forty-five degrees, twenty-four minutes, ten seconds east (N. 45° 24′ 10″ E.) three hundred and four and twenty-seven one-hundredths feet (304.27′); thence south forty-five degrees, seventeen minutes east (S. 45° 17′ E.) two and seventy-six one-hundredths feet (2.76′) to a point in the southeasterly limit of the said Lot 9, Concession 2; thence north forty-four degrees, eleven minutes east (N. 44° 11′ E.) and following the said southeasterly limit, two thousand, four hundred and eighty-one and thirty-five one-hundredths feet (2481.35′); thence north forty-six degrees, fifteen minutes, ten seconds west (N. 46° 15′ 10″ W.) one thousand, one hundred and forty-five and forty-two one-hundredths

feet (1145.42′); thence north forty-four degrees, thirteen minutes, thirty seconds east (N. 44° 13′ 30″ E.) two thousand and thirty-nine and five one-hundredths feet (2039.05′); thence north forty-four degrees, twenty-two minutes, thirty seconds east (N. 44° 22′ 30″ E.) one thousand, five hundred and eighty-one and seventy-six one-hundredths feet (1581.76′) to a point in the southwesterly limit of the allowance for road between Divisions "C" and "G" in the said Township of Guelph as widened, the said allowance being sometimes known as Victoria Road; thence north forty-five degrees, sixteen minutes, thirty seconds west (N. 45° 16′ 30″ W.) along the said limit of Victoria Road as widened, one thousand, five hundred and eighty and twenty-three one-hundredths feet (1580.23′); thence south eighty-nine degrees, thirty-eight minutes west (S. 89° 38′ W.) seventy and sixty one-hundredths feet (70.60′) to a point in the northwesterly limit of the said Lot 6, Concession 1; thence south forty-four degrees, thirty-two minutes, thirty seconds west (S. 44° 32′ 30″ W.) and following the said northwesterly limit, three thousand, two hundred and ninety-six and forty-three one-hundredths feet (3296.43′); thence south forty-four degrees, thirty-seven minutes, twenty seconds west (S. 44° 37′ 20″ W.) and following the northwesterly limit of the said Lot 6, Concession 2, one thousand, two hundred and forty-two and fourteen one-hundredths feet (1242.14′); thence south forty-four degrees, thirty-nine minutes, forty seconds west (S. 44° 39′ 40″ W.) and continuing along the said northwesterly limit of Lot 6, Concession 2, two thousand and eighty-three and twenty-six one-hundredths feet (2083.26′), more or less, to the point of commencement; AND DESIGNATED AS PART 8 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Ninthly: Being part of Lot 1, Plan 283, in the said Township of Guelph: Commencing at a point in the southeasterly limit of the said Lot, distant ninety-one and fifty one-hundredths feet (91.50′) measured south forty-four degrees, forty-two minutes, forty seconds west (S. 44° 42′ 40″ W.) along the said southeasterly limit from the most easterly angle of the said Lot; thence continuing south forty-four degrees, forty-two minutes, forty seconds west (S. 44° 42′ 40″ W.) and following the said southeasterly limit fourteen and fifty one-hundredths feet (14.50′); thence north forty-five degrees, fifty-four minutes, thirty seconds west (N. 45° 54′ 30″ W.) fifty-three feet (53.00′); thence north forty-four degrees, forty-two minutes, forty seconds east (N. 44° 42′ 40″ E.) fourteen and seventy-five one-hundredths feet (14.75′); thence south forty-five degrees, thirty-seven minutes east (S. 45° 37′ E.) fifty-three feet (53.00′), more or less, to the point of commencement; AND DESIGNATED AS PART 9 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Tenthly: Being part of Lot 1, Plan 283, in the said Township of Guelph: Commencing at the most easterly angle of the said Lot; thence south forty-four degrees, forty-two minutes, forty seconds west (S. 44° 42′ 40″ W.) and following the southeasterly limit of the said Lot, ninety-one and fifty one-hundredths feet (91.50′); thence north forty-five degrees, thirty-seven minutes west (N. 45° 37′ W.) fifty-three feet (53.00′); thence north forty-four degrees, forty-two minutes, forty seconds east (N. 44° 42′ 40″ E.) seventy-six and fifty one-hundredths feet (76.50′); thence north forty-five degrees, thirty-seven minutes west (N. 45° 37′ W.) thirty-five feet (35.00′); thence north forty-four degrees, forty-two minutes, forty seconds east (N. 44° 42′ 40″ E.) fifteen feet (15.00′) to a point in the northeasterly limit of the said Lot; thence south forty-five degrees, thirty-seven minutes east (S. 45° 37′ E.) and following the said northeasterly limit eighty-eight feet (88.00′), more or less, to the point of commencement; AND DESIGNATED AS PART 10 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Eleventhly: Being part of Lots 4 and 5, Concession 2, Division "G", and Lots 6, 7 and 8, Plan 378, all in the said Township of Guelph: Commencing at a point in the southwesterly limit of said Lot 5, distant three hundred and thirty-five feet (335.00′) measured north forty-five degrees, thirty-seven minutes west (N. 45° 37′ W.) along the said southwesterly limit of Lot 5 from the southerly angle of the said Lot 5; thence north forty-five degrees, thirty-seven minutes west (N. 45° 37′ W.) and continuing along the southwesterly limit of said Lot 5 and the southwesterly limits of the said Lots 8 and 7, four hundred and sixty-six and thirty one-hun-

dredths feet (466.30′) to the westerly angle of said Lot 7, being also a point in the southeasterly limit of MacDonald Avenue; thence north forty-four degrees, thirty-nine minutes east (N. 44° 39′ E.) and following the northwesterly limits of the said Lots 7 and 6, one hundred and eighty feet (180.00′) to the northerly angle of said Lot 6; thence south forty-five degrees, thirty-seven minutes west (S. 45° 37′ W.) and following the northeasterly limits of the said Lots 6 and 8, one hundred and thirty and forty one-hundredths feet (130.40′) to the easterly angle of the said Lot 8, being also a point in the limit between the said Lots 4 and 5; thence north forty-four degrees, twenty-eight minutes east (N. 44° 28′ E.) and following the said limit between Lots 4 and 5, four hundred and thirty-four and thirty-five one-hundredths feet (434.35′); thence north forty-five degrees, twenty-one minutes west (N. 45° 21′ W.) one hundred and twenty-nine feet (129.00′) to the said southeasterly limit of MacDonald Avenue; thence north forty-four degrees, thirty-nine minutes east (N. 44° 39′ E.) and following the said southeasterly limit of MacDonald Avenue, two hundred and eighteen one-hundredths feet (200.18′) to the westerly angle of Lot 7, Registered Plan 416; thence south forty-five degrees, eighteen minutes, thirty seconds east (S. 45° 18′ 30″ E.) and following the southwesterly limit of the said Lot 7, Plan 416, one hundred and twenty-eight and thirty one-hundredths feet (128.30′) to the southerly angle of the said Lot 7, Plan 416, being also a point in the said limit between Lots 4 and 5; thence north forty-four degrees, thirty-four minutes, fifteen seconds east (N. 44° 34′ 15″ E.) and following the said limit between Lots 4 and 5, five hundred and thirty-four and nineteen one-hundredths feet (534.19′); thence north forty-four degrees, thirty minutes east (N. 44° 30′ E.) and continuing along the said limit between Lots 4 and 5, one hundred and seventy-five and sixty-six one-hundredths feet (175.66′); thence south forty degrees, fifty-one minutes, ten seconds east (S. 40° 51′ 10″ E.) six hundred and seventy-six and fifty-two one-hundredths feet (676.52′) to the southeasterly limit of the said Lot 5; thence south forty-four degrees, thirty-nine minutes, forty seconds west (S. 44° 39′ 40″ W.) and following the said southeasterly limit of Lot 5, one thousand, one hundred and twenty-four and sixty one-hundredths feet (1124.60′); thence north forty-five degrees, thirty-seven minutes west (N. 45° 37′ W.) three hundred and thirty-five feet (335.00′); thence south forty-four degrees, thirty-nine minutes, forty seconds west (S. 44° 39′ 40″ W.) three hundred and forty-three feet (343.00′), more or less, to the point of commencement; AND DESIGNATED AS PART 11 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Twelfthly: Being part of Lot 1 in Concession 7 in the said Township of Puslinch: Commencing at the most northerly angle of the said Lot, being also a point in the southwesterly limit of Highway No. 6; thence south sixty-eight degrees, fifty-one minutes, thirty seconds east (S. 68° 51′ 30″ E.) and following the said southwesterly limit, sixty-seven and thirty-four one-hundredths feet (67.34′); thence continuing along the said southwesterly limit, being a curve to the left, having a radius of one thousand, six hundred and eighty-seven and two one-hundredths feet (1687.02′), an arc distance of two hundred and forty and seventy-one one-hundredths feet (240.71′), the chord equivalent being a distance of two hundred and forty and fifty one-hundredths feet (240.50′) on a bearing of south sixty-four degrees, thirty-four minutes, five seconds east (S. 64° 34′ 05″ E.); thence south sixty-eight degrees, thirty-nine minutes, twenty seconds east (S. 68° 39′ 20″ E.) and continuing along the said southwesterly limit, four hundred and thirteen and nineteen one-hundredths feet (413.19′); thence south forty-four degrees, twenty-two minutes, thirty seconds west (S. 44° 22′ 30″ W.) three thousand, six hundred and sixty-five and ninety-two one-hundredths feet (3665.92′); thence north forty-five degrees, four minutes west (N. 45° 04′ W.) six hundred and sixty-eight feet (668.00′) to a point in the northwesterly limit of the said Lot; thence north forty-four degrees, sixteen minutes, twenty seconds east (N. 44° 16′ 20″ E.) and following the said northwesterly limit, one and ninety-four one-hundredths feet (1.94′); thence north forty-four degrees, twenty minutes east (N. 44° 20′ E.) and continuing along the said northwesterly limit, three thousand, three hundred and ninety-one and ten one-hundredths feet (3391.10′), more or less, to the point of commencement; AND DESIGNATED AS PART 12 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

AND SUBJECT TO an easement over the lands herein described under thirdly in favour of The Hydro-Electric Power Commission of Ontario as set out in Instrument No. 12836 registered in the Registry Office for the Registry Division for the South and Centre Riding of the County of Wellington on the 8th January, 1949;

AND SUBJECT TO an easement over the lands herein described as ninthly in favour of The Corporation of the Township of Guelph as set out in Instrument No. 15664 registered in the said Registry Office on the 28th January, 1957;

AND SUBJECT TO a ten-year lease dated 24th March, 1964, in favour of John E. Slinger of the City of Guelph to be computed from the 1st day of February, 1964, over the lands herein described as ninthly and tenthly.

6. *The Federated Colleges of the Department of Agriculture Act, 1961-62* is repealed. 1961-62, c. 42, repealed

7. This Act comes into force on the 1st day of September, 1965. Commencement

8. This Act may be cited as *The University of Guelph Amendment Act, 1965*. Short title

An Act to amend
The University of Guelph Act, 1964

1st Reading

May 21st, 1965

2nd Reading

3rd Reading

MR. DAVIS

BILL 152

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The University of Guelph Act, 1964

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 152 **1965**

An Act to amend The University of Guelph Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 3 of *The University of Guelph Act, 1964* is repealed and the following substituted therefor: 1964, c. 120, s. 3, cl. *a*, re-enacted

(*a*) the advancement of learning and the dissemination of knowledge, including, without limiting the generality of the foregoing, the advancement of learning and the dissemination of knowledge respecting agriculture; and

. . . . .

2. Section 11 of *The University of Guelph Act, 1964* is amended by adding thereto the following clause: 1964, c. 120, s. 11, amended

(*j*) to enter into agreements with the Agricultural Research Institute of Ontario or with the Minister of Agriculture for the purpose of advancing learning and disseminating knowledge respecting agriculture in such manner, on such terms and under such conditions as may be agreed upon from time to time.

3. Section 18 of *The University of Guelph Act, 1964* is repealed and the following substituted therefor: 1964, c. 120, s. 18, re-enacted

18.—(1) Subject to subsection 3, all property that is vested in the Agricultural Research Institute of Ontario and situated on the lands described in the Schedule hereto on the 1st day of September, 1965, and all property heretofore or hereafter granted, conveyed, devised or bequeathed to, or to any person in trust for or for the benefit of, the Federated Colleges of the Department of Agriculture or any of Property of Research Institute and Federated Colleges vested in University

them, the University or any faculty, school or department thereof or otherwise in connection therewith, subject to any trust affecting the same, are vested in the University.

Certain Crown property vested in University

(2) Subject to subsection 3, all property vested in Her Majesty the Queen in right of Ontario, other than that vested in the University under subsection 1, lying within the boundaries described in the Schedule hereto, on the 1st day of September, 1965, is vested in the University.

Power to reserve Crown property

(3) The Lieutenant Governor in Council may,

(*a*) designate, before the 1st day of January, 1967, real property lying within the boundaries firstly described in the Schedule hereto, not exceeding in total area thirty-five acres, together with all necessary easements for sewers, watermains, lines of electric power, telephone lines and other utilities, and for ingress and egress by vehicles and pedestrians; and

(*b*) designate, before the 1st day of September, 1965, property other than real property situated on the lands described in the Schedule hereto,

and, notwithstanding subsections 1 and 2, the property so designated shall be deemed not to have vested in the University, and thereupon any property so designated shall vest in Her Majesty the Queen in right of Ontario.

Release

(4) The Lieutenant Governor in Council may, at any time before the 1st day of January, 1967, release any real property referred to in subsection 2, and subsection 3 does not apply to land so released.

1964, c. 120, s. 29, repealed

4. Section 29 of *The University of Guelph Act, 1964* is repealed.

1964, c. 120, amended

5. *The University of Guelph Act, 1964* is amended by adding thereto the following Schedule:

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Guelph, and in the Township of Puslinch, both in the County of Wellington, in the Province of Ontario, and being composed of Part of Lots 4, 5, 6, 7 and 8, Concession 1, Lots 6 and 7 and part of Lots 4, 5, 8 and 9, Concession 2, Lots 6 and 7 and part of Lots 8 and 9, Concession 3, part of Lot 9, Concession 4, all in Division "G" in the said Township of Guelph, and Lots 1 to 27 inclusive, Blocks A and B, College Crescent, and Lanes, according to Registered Plan 409, part of Lot 1, according to Registered Plan 283, Lots 6, 7 and 8, according to Registered Plan 378, all in the said Township of Guelph, and part of Lot 1, Concession 7, in the said Township of Puslinch, the boundaries of the said parcels being described as follows: Premising that the bearings are astronomic and are referred to the southerly limit of Lot 9, Concession 2, Division "G", in the said Township of Guelph, having a bearing of north forty-four degrees, eleven minutes east (N. 44° 11′ E.) derived from astronomic observation (Polaris) and relating all bearings herein thereto.

Firstly: Being Lots 6 and 7 and Part of Lots 8 and 9 in Concession 3, Division "G", in the said Township of Guelph: Commencing at the most southerly angle of the said Lot 9, Concession 3; thence north forty-five degrees, twenty-three minutes, thirty seconds west (N. 45° 23′ 30″ W.) and following the southwesterly limits of the said Lots 9 and 8, one thousand, four hundred and eighty-four and fifty-two one-hundredths feet (1484.52′); thence north forty-five degrees, thirty-four minutes, fifty seconds west (N. 45° 34′ 50″ W.) and following the southwesterly limits of the said Lots 7 and 6, one thousand, three hundred and fifty-two and eighty-two one-hundredths feet (1352.82′) to the most westerly angle of the said Lot 6; thence north forty-four degrees, thirty-six minutes, forty seconds east (N. 44° 36′ 40″ E.) and following the northwesterly limit of the said Lot 6, one thousand, six hundred and seventy-four and fifteen one-hundredths feet (1674.15′); thence north forty-four degrees, forty-two minutes, forty seconds east (N. 44° 42′ 40″ E.) and continuing along the said northwesterly limit, one thousand, six hundred and seventy-two and thirty-one one-hundredths feet (1672.31′) to the most northerly angle of the said Lot 6, being also a point in the southwesterly limit of Highway 6; thence south forty-five degrees, thirty-six minutes, twenty seconds east (S. 45° 36′ 20″ E.) and following the said southwesterly limit of Highway 6, one thousand, one hundred and one and ninety-six one-hundredths feet (1101.96′); thence south forty-five degrees, twenty-two minutes, twenty seconds east (S. 45° 22′ 20″ E.) and continuing along the said southwesterly limit of Highway 6, three hundred and fourteen and eleven one-hundredths feet (314.11′); thence south forty-four degrees, forty-three minutes west (S. 44° 43′ W.) seventeen and forty-six one-hundredths feet (17.46′) to the southwesterly limit of Highway 6 as widened; thence south forty-five degrees, seventeen minutes, twenty seconds east (S. 45° 17′ 20″ E.) and following the said widened limit, one thousand and eighty-seven and fifty-one one-hundredths feet (1087.51′); thence continuing along the said widened limit, being a curve to the left, having a radius of one thousand, six hundred and eighty-seven and two one-hundredths feet (1687.02′), an arc distance of two hundred and seventy-one and eighty-seven one-hundredths feet (271.87′), the chord equivalent being a distance of two hundred and seventy-one and fifty-eight one-hundredths feet (271.58′) on a bearing of south forty-nine degrees, fifty-four minutes, twenty seconds east (S. 49° 54′ 20″ E.); thence south forty-five degrees, thirty-five minutes east (S. 45° 35′ E.) forty-three and seventy one-hundredths feet (43.70′) to a point in the southeasterly limit of the said Lot 9; thence south forty-four degrees, twenty minutes west (S. 44° 20′ W.) and following the said southeasterly limit, three thousand, three hundred and forty-eight and fifty-six one-hundredths feet (3348.56′), more or less, to the point of commencement; AND DESIGNATED AS PART 1 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Secondly: Being Part of Lot 9 in Concession 4, Division "G", in the said Township of Guelph: Commencing at the most southerly angle of the said Lot 9, Concession 4; thence north forty-four degrees, sixteen minutes, twenty seconds east (N. 44° 16′ 20″ E.) and following the south-

easterly limit of the said Lot, seven hundred and thirty-four and sixty-eight one-hundredths feet (734.68′); thence north twenty-two degrees, fifty-six minutes, forty seconds west (N. 22° 56′ 40″ W.) nine hundred and two and seventy-nine one-hundredths feet (902.79′) to a point in the northwesterly limit of the said Lot; thence south forty-four degrees, fifty-three minutes, forty seconds west (S. 44° 53′ 40″ W.) and following the said northwesterly limit, one hundred and fifty-one and eighty-six one-hundredths feet (151.86′); thence south forty-three degrees, seventeen minutes, twenty seconds west (S. 43° 17′ 20″ W.) and continuing along the said northwesterly limit, one hundred and ninety and fifty-six one-hundredths feet (190.56′); thence south forty-three degrees, thirty-one minutes, thirty seconds west (S. 43° 31′ 30″ W.) and continuing along the said northwesterly limit, one hundred and ninety-four and seventy-two one-hun-hundredths feet (194.72′); thence south forty-five degrees, thirty minutes, thirty seconds east (S. 45° 30′ 30″ E.) four hundred and five and twenty-six one-hundredths feet (405.26′); thence south forty-four degrees, four minutes, twenty seconds west (S. 44° 04′ 20″ W.) five hundred and forty-four and forty-six one-hundredths feet (544.46′) to a point in the southwesterly limit of the said Lot; thence south forty-five degrees, thirty-one minutes, ten seconds east (S. 45° 31′ 10″ E.) and following the said southwesterly limit, four hundred and twenty-one and thirty-three one-hundredths feet (421.33′), more or less, to the point of commencement; AND DESIGNATED AS PART 2 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Thirdly: Being part of Lot 9 in Concession 4, Division "G", in the said Township of Guelph: Commencing at a point in the southeasterly limit of the said Lot distant seven hundred and thirty-four and sixty-eight one-hundredths feet (734.68′) measured north forty-four degrees, sixteen minutes, twenty seconds east (N. 44° 16′ 20″ E.) along the said southeasterly limit from the most southerly angle of the said Lot; thence continuing north forty-four degrees, sixteen minutes, twenty seconds east (N. 44° 16′ 20″ E.) and following the said southeasterly limit seventy-one and fifty-eight one-hundredths feet (71.58′); thence north twenty-two degrees, fifty-six minutes, forty seconds west (N. 22° 56′ 40″ W.) nine hundred and one and ninety-five one-hundredths feet (901.95′) to a point in the northwesterly limit of the said Lot; thence south forty-four degrees, fifty-three minutes, forty seconds west (S. 44° 53′ 40″ W.) and following the said northwesterly limit, seventy-one and twenty-six one-hundredths feet (71.26′); thence south twenty-two degrees, fifty-six minutes, forty seconds east (S. 22° 56′ 40″ E.) nine hundred and two and seventy-nine one-hundredths feet (902.79′), more or less, to the point of commencement; AND DESIGNATED AS PART 3 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Fourthly: Being part of Lot 9 in Concession 4, Division "G", in the said Township of Guelph: Commencing at the most easterly angle of the said Lot; thence south forty-four degrees, sixteen minutes, twenty seconds west (S. 44° 16′ 20″ W.) and following the southeasterly limit of the said Lot, six hundred and four and sixty-three one-hundredths feet (604.63′); thence north forty-five degrees, nineteen minutes, forty seconds west (N. 45° 19′ 40″ W.) two hundred and eighty-four and forty one-hundredths feet (284.40′); thence south forty-four degrees, sixteen minutes, twenty seconds west (S. 44° 16′ 20″ W.) one hundred and fifty-three and twenty one-hundredths feet (153.20′); thence south forty-five degrees, nineteen minutes, forty seconds east (S. 45° 19′ 40″ E.) two hundred and eighty-four and forty one-hundredths feet (284.40′) to a point in the said southeasterly limit of the Lot; thence south forty-four degrees, sixteen minutes, twenty seconds west (S. 44° 16′ 20″ W.) and following the said southeasterly limit six hundred and seventeen and ninety-one one-hundredths feet (617.91′); thence north forty-four degrees, fifty-six minutes, ten seconds west (N. 44° 56′ 10″ W.) eight hundred and six and twenty one-hundredths feet (806.20′); thence south forty-three degrees, fifty minutes, forty seconds west (S. 43° 50′ 40″ W.) four hundred and forty-one feet (441.00′); thence south forty-five degrees, twenty-two minutes east (S. 45° 22′ E.) eight hundred and three feet (803.00′) to a point in the said southeasterly limit of the Lot ; thence south forty-four degrees, sixteen minutes, twenty seconds west (S. 44° 16′ 20″ W.) and following the said south-

easterly limit, seven hundred and forty-five and sixty-five one-hundredths feet (745.65′); thence north twenty-two degrees, fifty-six minutes, forty seconds west (N. 22° 56′ 40″ W.) nine hundred and one and ninety-five one-hundredths feet (901.95′) to a point in the northwesterly limit of the said Lot; thence north forty-four degrees, fifty-three minutes, forty seconds east (N. 44° 53′ 40″ E.) and following the said northwesterly limit, fifty-nine and eighty-four one-hundredths feet (59.84′); thence north forty-four degrees, thirty-four minutes, forty seconds east (N. 44° 34′ 40″ E.) and continuing along the said northwesterly limit, five hundred and eighty-nine and ninety-seven one-hundredths feet (589.97′); thence north forty-four degrees, five minutes, twenty seconds east (N. 44° 05′ 20″ E.) and continuing along the said northwesterly limit, five hundred feet (500.00′); thence north forty-four degrees, forty-six minutes, forty seconds east (N. 44° 46′ 40″ E.) and continuing along the said northwesterly limit, one thousand and sixty-two and six one-hundredths feet (1062.06′) to a point in the northeasterly limit of the said Lot; thence south forty-five degrees, twenty-three minutes, thirty seconds east (S. 45° 23′ 30″ E.) and following the said northeasterly limit, eight hundred and nineteen and eighty-six one-hundredths feet (819.86′), more or less, to the point of commencement; AND DESIGNATED AS PART 4 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Fifthly: Being part of Lots 4 and 5 in Concession 1, Division "G", in the said Township of Guelph: Commencing at the most southerly angle of the said Lot 5; thence north forty-five degrees, five minutes, fifty seconds west (N. 45° 05′ 50″ W.) and following the southwesterly limit of the said Lot 5, six hundred and seventy-one feet (671.00′); thence north forty-six degrees, nine minutes, fifty seconds west (N. 46° 09′ 50″ W.) and following the southwesterly limit of the said Lot 4, five hundred and sixteeen and forty-three one-hundredths feet (516.43′); thence north forty-three degrees, sixteen minutes, thirty seconds east (N. 43° 16′ 30″ E.) five hundred and forty-one and thirty-one one-hundredths feet (541.31′); thence north forty-five degrees, fifteen minutes, fifty seconds west (N. 45° 15′ 50″ W.) one hundred and thirty-six and forty-three one-hundredths feet (136.43′); thence north forty-one degrees, forty-eight minutes east (N. 41° 48′ E.) two hundred and twenty-one and eighty-five one-hundredths feet (221.85′) to a point in the northwesterly limit of the said Lot 4; thence north forty-four degrees, thirty-two minutes, thirty seconds east (N. 44° 32′ 30″ E.) and following the said northwesterly limit, nine hundred and twenty-five and fifty one-hundredths feet (925.50′); thence south forty-six degrees, eight minutes, forty seconds east (S. 46° 08′ 40″ E.) eighty-four and ninety one-hundredths feet (84.90′); thence north thirty-nine degrees, forty-nine minutes, fifty seconds east (N. 39° 49′ 50″ E.) one thousand and thirty-one and thirty-eight one-hundredths feet (1031.38′) to a point in the said northwesterly limit; thence north forty-four degrees, thirty-two minutes, thirty seconds east (N. 44° 32′ 30″ E.) and following the said northwesterly limit six hundred and thirty-five and four one-hundredths feet (635.04′) to a point in the southwesterly limit of the allowance for road between Divisions "C" and "G" in the said Township of Guelph as widened, the said allowance being sometimes known as Victoria Road; thence south forty-five degrees, eighteen minutes, thirty seconds east (S. 45° 18′ 30″ E.) one thousand, two hundred and ninety-six and fifty one-hundredths feet (1296.50′); thence south zero degrees, twenty-three minutes east (S. 0° 23′ E.) seventy and eighty one-hundredths feet (70.80′) to a point in the southeasterly limit of the said Lot 5; thence south forty-four degrees, thirty-two minutes, thirty seconds west (S. 44° 32′ 30″ W.) and following the said southeasterly limit three thousand, two hundred and ninety-six and fifty-seven one-hundredths feet (3296.57′), more or less, to the point of commencement; AND DESIGNATED AS PART 5 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Sixthly: Being part of Lot 4 in Concession 1, Division "G", in the said Township of Guelph: Commencing at a point in the southwesterly limit of the said Lot, distant five hundred and sixteen and forty-three one-hundredths feet (516.43′) measured north forty-six degrees, nine minutes, fifty seconds west (N. 46° 09′ 50″ W.) along the said southwesterly limit from a point distant six hundred and seventy-one feet (671.00′) measured north forty-five degrees, five minutes, fifty seconds west (N. 45°

05′ 50″ W.) along the southwesterly limit of Lot 5 in Concession 1, Division "G", from the most southerly angle of the said Lot 5; thence north forty-three degrees, sixteen minutes, thirty seconds east (N. 43° 16′ 30″ E.) five hundred and forty-one and thirty-one one-hundredths feet (541.31′); thence north forty-five degrees, fifteen minutes, fifty seconds west (N. 45° 15′ 50″ W.) one hundred and thirty-six and forty-three one-hundredths feet (136.43′); thence north forty-one degrees, forty-eight minutes east (N. 41° 48′ E.) two hundred and twenty-one and eighty-five one-hundredths feet (221.85′) to a point in the northwesterly limit of the said Lot 4; thence south forty-four degrees, thirty-two minutes, thirty seconds west (S. 44° 32′ 30″ W.) and following the said northwesterly limit seven hundred and sixty-five and twenty one-hundredths feet (765.20′) to the most westerly angle of the said Lot 4; thence south forty-six degrees, nine minutes, fifty seconds east (S. 46° 09′ 50″ E.) along the said southwesterly limit of Lot 4 one hundred and fifty-nine and fifteen one-hundredths feet (159.15′), more or less, to the point of commencement; AND DESIGNATED AS PART 6 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Seventhly: Being part of Lot 4 in Concession 1, Division "G", in the said Township of Guelph: Commencing at a point in the northwesterly limit of the said Lot, distant one thousand, six hundred and ninety and seventy one-hundredths feet (1690.70′) measured north forty-four degrees, thirty-two minutes, thirty seconds east (N. 44° 32′ 30″ E.) along the said northwesterly limit from the most westerly angle of the said Lot; thence south forty-six degrees, eight minutes, forty seconds east (S. 46° 08′ 40″ E.) eighty-four and ninety one-hundredths feet (84.90′); thence north thirty-nine degrees, forty-nine minutes, fifty seconds east (N. 39° 49′ 50″ E.) one thousand and thirty-one and thirty-eight one-hundredths feet (1031.38′) to a point in the said northwesterly limit; thence south forty-four degrees, thirty-two minutes, thirty seconds west (S. 44° 32′ 30″ W.) and following the said northwesterly limit one thousand and twenty-eight and eighty-nine one-hundredths feet (1028.89′), more or less, to the point of commencement; AND DESIGNATED AS PART 7 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Eighthly: Being Lots 6 and 7 in Concession 2, Part of Lots 8 and 9 in Concession 2, and part of Lots 6, 7 and 8 in Concession 1, all in Division "G", in the said Township of Guelph, and Lots 1 to 27 inclusive, Blocks A and B, College Crescent and Lanes, all according to Registered Plan 409, in the said Township of Guelph: Commencing at the most westerly angle of the said Lot 6, Concession 2, being also a point in the northeasterly limit of Highway 6; thence south forty-five degrees, thirty-six minutes, twenty seconds east (S. 45° 36′ 20″ E.) and following the said northeasterly limit one thousand, one hundred and one and seventy-nine one-hundredths feet (1101.79′); thence south forty-five degrees, twenty-two minutes, twenty seconds east (S. 45° 22′ 20″ E.) and continuing along the said northeasterly limit, three hundred and fourteen and thirty-two one-hundredths feet (314.32′); thence north forty-four degrees, forty-three minutes east (N. 44° 43′ E.) sixteen and fifty-four one-hundredths feet (16.54′) to a point in the northeasterly limit of the said Highway 6 as widened; thence south forty-five degrees, seventeen minutes, twenty seconds east (S. 45° 17′ 20″ E.) and following the said limit of Highway 6 as widened, six hundred and ninety-seven and twenty-two one-hundredths feet (697.22′); thence south forty-five degrees, thirty-five minutes east (S. 45° 35′ E.) and continuing along the said limit of Highway 6 as widened, six hundred and seventy-three and forty-six one-hundredths feet (673.46′); thence north forty-eight degrees, fifty-seven minutes east (N. 48° 57′ E.) two hundred and fifty-seven and seventy-seven one-hundredths feet (257.77′); thence north forty-five degrees, twenty-four minutes, ten seconds east (N. 45° 24′ 10″ E.) three hundred and four and twenty-seven one-hundredths feet (304.27′); thence south forty-five degrees, seventeen minutes east (S. 45° 17′ E.) two and seventy-six one-hundredths feet (2.76′) to a point in the southeasterly limit of the said Lot 9, Concession 2; thence north forty-four degrees, eleven minutes east (N. 44° 11′ E.) and following the said southeasterly limit, two thousand, four hundred and eighty-one and thirty-five one-hundredths feet (2481.35′); thence north forty-six degrees, fifteen minutes, ten seconds west (N. 46° 15′ 10″ W.) one thousand, one hundred and forty-five and forty-two one-hundredths

feet (1145.42′); thence north forty-four degrees, thirteen minutes, thirty seconds east (N. 44° 13′ 30″ E.) two thousand and thirty-nine and five one-hundredths feet (2039.05′); thence north forty-four degrees, twenty-two minutes, thirty seconds east (N. 44° 22′ 30″ E.) one thousand, five hundred and eighty-one and seventy-six one-hundredths feet (1581.76′) to a point in the southwesterly limit of the allowance for road between Divisions "C" and "G" in the said Township of Guelph as widened, the said allowance being sometimes known as Victoria Road; thence north forty-five degrees, sixteen minutes, thirty seconds west (N. 45° 16′ 30″ W.) along the said limit of Victoria Road as widened, one thousand, five hundred and eighty and twenty-three one-hundredths feet (1580.23′); thence south eighty-nine degrees, thirty-eight minutes west (S. 89° 38′ W.) seventy and sixty one-hundredths feet (70.60′) to a point in the northwesterly limit of the said Lot 6, Concession 1; thence south forty-four degrees, thirty-two minutes, thirty seconds west (S. 44° 32′ 30″ W.) and following the said northwesterly limit, three thousand, two hundred and ninety-six and forty-three one-hundredths feet (3296.43′); thence south forty-four degrees, thirty-seven minutes, twenty seconds west (S. 44° 37′ 20″ W.) and following the northwesterly limit of the said Lot 6, Concession 2, one thousand, two hundred and forty-two and fourteen one-hundredths feet (1242.14′); thence south forty-four degrees, thirty-nine minutes, forty seconds west (S. 44° 39′ 40″ W.) and continuing along the said northwesterly limit of Lot 6, Concession 2, two thousand and eighty-three and twenty-six one-hundredths feet (2083.26′), more or less, to the point of commencement; AND DESIGNATED AS PART 8 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Ninthly: Being part of Lot 1, Plan 283, in the said Township of Guelph: Commencing at a point in the southeasterly limit of the said Lot, distant ninety-one and fifty one-hundredths feet (91.50′) measured south forty-four degrees, forty-two minutes, forty seconds west (S. 44° 42′ 40″ W.) along the said southeasterly limit from the most easterly angle of the said Lot; thence continuing south forty-four degrees, forty-two minutes, forty seconds west (S. 44° 42′ 40″ W.) and following the said southeasterly limit fourteen and fifty one-hundredths feet (14.50′); thence north forty-five degrees, fifty-four minutes, thirty seconds west (N. 45° 54′ 30″ W.) fifty-three feet (53.00′); thence north forty-four degrees, forty-two minutes, forty seconds east (N. 44° 42′ 40″ E.) fourteen and seventy-five one-hundredths feet (14.75′); thence south forty-five degrees, thirty-seven minutes east (S. 45° 37′ E.) fifty-three feet (53.00′), more or less, to the point of commencement; AND DESIGNATED AS PART 9 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Tenthly: Being part of Lot 1, Plan 283, in the said Township of Guelph: Commencing at the most easterly angle of the said Lot; thence south forty-four degrees, forty-two minutes, forty seconds west (S. 44° 42′ 40″ W.) and following the southeasterly limit of the said Lot, ninety-one and fifty one-hundredths feet (91.50′); thence north forty-five degrees, thirty-seven minutes west (N. 45° 37′ W.) fifty-three feet (53.00′); thence north forty-four degrees, forty-two minutes, forty seconds east (N. 44° 42′ 40″ E.) seventy-six and fifty one-hundredths feet (76.50′); thence north forty-five degrees, thirty-seven minutes west (N. 45° 37′ W.) thirty-five feet (35.00′); thence north forty-four degrees, forty-two minutes, forty seconds east (N. 44° 42′ 40″ E.) fifteen feet (15.00′) to a point in the northeasterly limit of the said Lot; thence south forty-five degrees, thirty-seven minutes east (S. 45° 37′ E.) and following the said northeasterly limit eighty-eight feet (88.00′), more or less, to the point of commencement; AND DESIGNATED AS PART 10 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Eleventhly: Being part of Lots 4 and 5, Concession 2, Division "G", and Lots 6, 7 and 8, Plan 378, all in the said Township of Guelph: Commencing at a point in the southwesterly limit of said Lot 5, distant three hundred and thirty-five feet (335.00′) measured north forty-five degrees, thirty-seven minutes west (N. 45° 37′ W.) along the said southwesterly limit of Lot 5 from the southerly angle of the said Lot 5; thence north forty-five degrees, thirty-seven minutes west (N. 45° 37′ W.) and continuing along the southwesterly limit of said Lot 5 and the southwesterly limits of the said Lots 8 and 7, four hundred and sixty-six and thirty one-hun-

dredths feet (466.30′) to the westerly angle of said Lot 7, being also a point in the southeasterly limit of MacDonald Avenue; thence north forty-four degrees, thirty-nine minutes east (N. 44° 39′ E.) and following the northwesterly limits of the said Lots 7 and 6, one hundred and eighty feet (180.00′) to the northerly angle of said Lot 6; thence south forty-five degrees, thirty-seven minutes west (S. 45° 37′ W.) and following the northeasterly limits of the said Lots 6 and 8, one hundred and thirty and forty one-hundredths feet (130.40′) to the easterly angle of the said Lot 8, being also a point in the limit between the said Lots 4 and 5; thence north forty-four degrees, twenty-eight minutes east (N. 44° 28′ E.) and following the said limit between Lots 4 and 5, four hundred and thirty-four and thirty-five one-hundredths feet (434.35′); thence north forty-five degrees, twenty-one minutes west (N. 45° 21′ W.) one hundred and twenty-nine feet (129.00′) to the said southeasterly limit of MacDonald Avenue; thence north forty-four degrees, thirty-nine minutes east (N. 44° 39′ E.) and following the said southeasterly limit of MacDonald Avenue, two hundred and eighteen one-hundredths feet (200.18′) to the westerly angle of Lot 7, Registered Plan 416; thence south forty-five degrees, eighteen minutes, thirty seconds east (S. 45° 18′ 30″ E.) and following the southwesterly limit of the said Lot 7, Plan 416, one hundred and twenty-eight and thirty one-hundredths feet (128.30′) to the southerly angle of the said Lot 7, Plan 416, being also a point in the said limit between Lots 4 and 5; thence north forty-four degrees, thirty-four minutes, fifteen seconds east (N. 44° 34′ 15″ E.) and following the said limit between Lots 4 and 5, five hundred and thirty-four and nineteen one-hundredths feet (534.19′); thence north forty-four degrees, thirty minutes east (N. 44° 30′ E.) and continuing along the said limit between Lots 4 and 5, one hundred and seventy-five and sixty-six one-hundredths feet (175.66′); thence south forty degrees, fifty-one minutes, ten seconds east (S. 40° 51′ 10″ E.) six hundred and seventy-six and fifty-two one-hundredths feet (676.52′) to the southeasterly limit of the said Lot 5; thence south forty-four degrees, thirty-nine minutes, forty seconds west (S. 44° 39′ 40″ W.) and following the said southeasterly limit of Lot 5, one thousand, one hundred and twenty-four and sixty one-hundredths feet (1124.60′); thence north forty-five degrees, thirty-seven minutes west (N. 45° 37′ W.) three hundred and thirty-five feet (335.00′); thence south forty-four degrees, thirty-nine minutes, forty seconds west (S. 44° 39′ 40″ W.) three hundred and forty-three feet (343.00′), more or less, to the point of commencement; AND DESIGNATED AS PART 11 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

Twelfthly: Being part of Lot 1 in Concession 7 in the said Township of Puslinch: Commencing at the most northerly angle of the said Lot, being also a point in the southwesterly limit of Highway No. 6; thence south sixty-eight degrees, fifty-one minutes, thirty seconds east (S. 68° 51′ 30″ E.) and following the said southwesterly limit, sixty-seven and thirty-four one-hundredths feet (67.34′); thence continuing along the said southwesterly limit, being a curve to the left, having a radius of one thousand, six hundred and eighty-seven and two one-hundredths feet (1687.02′), an arc distance of two hundred and forty and seventy-one one-hundredths feet (240.71′), the chord equivalent being a distance of two hundred and forty and fifty one-hundredths feet (240.50′) on a bearing of south sixty-four degrees, thirty-four minutes, five seconds east (S. 64° 34′ 05″ E.); thence south sixty-eight degrees, thirty-nine minutes, twenty seconds east (S. 68° 39′ 20″ E.) and continuing along the said southwesterly limit, four hundred and thirteen and nineteen one-hundredths feet (413.19′); thence south forty-four degrees, twenty-two minutes, thirty seconds west (S. 44° 22′ 30″ W.) three thousand, six hundred and sixty-five and ninety-two one-hundredths feet (3665.92′); thence north forty-five degrees, four minutes west (N. 45° 04′ W.) six hundred and sixty-eight feet (668.00′) to a point in the northwesterly limit of the said Lot; thence north forty-four degrees, sixteen minutes, twenty seconds east (N. 44° 16′ 20″ E.) and following the said northwesterly limit, one and ninety-four one-hundredths feet (1.94′); thence north forty-four degrees, twenty minutes east (N. 44° 20′ E.) and continuing along the said northwesterly limit, three thousand, three hundred and ninety-one and ten one-hundredths feet (3391.10′), more or less, to the point of commencement; AND DESIGNATED AS PART 12 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

AND SUBJECT TO an easement over the lands herein described under thirdly in favour of The Hydro-Electric Power Commission of Ontario as set out in Instrument No. 12836 registered in the Registry Office for the Registry Division for the South and Centre Riding of the County of Wellington on the 8th January, 1949;

AND SUBJECT TO an easement over the lands herein described as ninthly in favour of The Corporation of the Township of Guelph as set out in Instrument No. 15664 registered in the said Registry Office on the 28th January, 1957;

AND SUBJECT TO a ten-year lease dated 24th March, 1964, in favour of John E. Slinger of the City of Guelph to be computed from the 1st day of February, 1964, over the lands herein described as ninthly and tenthly.

6. *The Federated Colleges of the Department of Agriculture Act, 1961-62* is repealed. 1961-62, c. 42, repealed

7. This Act comes into force on the 1st day of September, 1965. Commencement

8. This Act may be cited as *The University of Guelph Amendment Act, 1965.* Short title

The University of Guelph Act, 1964

1st Reading

May 21st, 1965

2nd Reading

May 28th, 1965

3rd Reading

June 21st, 1965

MR. DAVIS

BILL 153

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Department of Education Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

This new section provides for the establishment of colleges of applied arts and technology.

BILL 153 **1965**

An Act to amend The Department of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Education Act* is amended by adding thereto the following section: R.S.O. 1960, c. 94, amended

14*a*.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, name, maintain, conduct and govern colleges of applied arts and technology that offer programmes of instruction in one or more fields of vocational, technological, general and recreational education and training in day or evening courses and for full-time or part-time students. Colleges of applied arts and technology

(2) The Minister shall be assisted in the planning, establishment and co-ordination of programmes of instruction and services for such colleges by a council to be known as the Ontario Council of Regents for Colleges of Applied Arts and Technology composed of such members as may be appointed by the Minister. Council of Regents

(3) There shall be a board of governors for each college of applied arts and technology, which shall be a corporation with such name as the Minister may designate and shall be composed of such members and have such powers and duties, in addition to those under *The Corporations Act* as varied by the regulations, as may be provided by the regulations, and each board shall be assisted by an advisory committee for each branch of a programme of instruction offered in the college other than programmes of instruction referred to in subsection 5. Boards of governors, advisory committees R.S.O. 1960, c. 71

Agreements

(4) For the purposes of subsection 1 and subject to the approval of the Minister, a board of governors may enter into an agreement with any organization representing one or more branches of industry or commerce or with any professional organization.

Idem

(5) Subject to the approval of the Minister, a board of governors of a college may enter into an agreement with a university for the establishment, maintenance and conduct by the university in the college of programmes of instruction leading to degrees, certificates or diplomas awarded by the university.

Cost of establishment and maintenance

(6) The cost of the establishment, maintenance and conduct of a college shall be payable until the 31st day of March, 1966, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature and out of moneys received from Canada for the purposes of technical education or other programmes of instruction of the college, moneys contributed by organizations that have entered into agreements with the board of governors of the college, fees paid by students and moneys received from other sources.

Regulations

(7) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations with respect to colleges of applied arts and technology,

(*a*) providing for the composition of the Ontario Council of Regents for Colleges of Applied Arts and Technology;

(*b*) providing for the composition of the boards of governors on a suitably representative basis and of the advisory committees thereof and for the appointment of the members of such boards and committees;

(*c*) prescribing the powers and duties of boards of governors and advisory committees, the manner of calling and conducting the meetings thereof and the procedure for the election or appointment of chairmen and officers;

(*d*) prescribing the type, content and duration of programmes of instruction to be offered;

(*e*) prescribing the requirements for admission to any programme of instruction, and prescribing the terms and conditions upon which students may remain in, or be discharged from, any programme of instruction;

(*f*) for the granting of certificates and diplomas of standing following successful completion of any programme of instruction;

(*g*) prescribing the qualifications and conditions of service of members of the teaching staffs of such colleges;

(*h*) providing for the payment of travelling allowances or expenses to members of the Ontario Council of Regents for Colleges of Applied Arts and Technology, boards of governors and advisory committees, and of the officers and employees of such colleges;

(*i*) requiring students to pay registration, tuition and laboratory fees in respect of any programme of instruction, and fixing the amounts and manner of payment thereof;

(*j*) providing for the admission of persons from outside Ontario, and prescribing fees payable by such persons in respect of any programme of instruction and the manner of payment thereof;

(*k*) providing for the incorporation of schools established under section 14 with such colleges.

Application of regulations

(8) No regulation made under subsection 7 applies to a university or to programmes of instruction given by a university in such colleges.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Department of Education Amendment Act, 1965*.

An Act to amend
The Department of Education Act

1st Reading

May 21st, 1965

2nd Reading

3rd Reading

MR. DAVIS

BILL 153

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Department of Education Act

MR. DAVIS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 153 **1965**

An Act to amend The Department of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Education Act* is amended by adding thereto the following section: R.S.O. 1960, c. 94, amended

14*a*.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, name, maintain, conduct and govern colleges of applied arts and technology that offer programmes of instruction in one or more fields of vocational, technological, general and recreational education and training in day or evening courses and for full-time or part-time students. Colleges of applied arts and technology

(2) The Minister shall be assisted in the planning, establishment and co-ordination of programmes of instruction and services for such colleges by a council to be known as the Ontario Council of Regents for Colleges of Applied Arts and Technology composed of such members as may be appointed by the Minister. Council of Regents

(3) There shall be a board of governors for each college of applied arts and technology, which shall be a corporation with such name as the Minister may designate and shall be composed of such members and have such powers and duties, in addition to those under *The Corporations Act* as varied by the regulations, as may be provided by the regulations, and each board shall be assisted by an advisory committee for each branch of a programme of instruction offered in the college other than programmes of instruction referred to in subsection 5. Boards of governors, advisory committees R.S.O. 1960, c. 71

Agreements

(4) For the purposes of subsection 1 and subject to the approval of the Minister, a board of governors may enter into an agreement with any organization representing one or more branches of industry or commerce or with any professional organization.

Idem

(5) Subject to the approval of the Minister, a board of governors of a college may enter into an agreement with a university for the establishment, maintenance and conduct by the university in the college of programmes of instruction leading to degrees, certificates or diplomas awarded by the university.

Cost of establishment and maintenance

(6) The cost of the establishment, maintenance and conduct of a college shall be payable until the 31st day of March, 1966, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature and out of moneys received from Canada for the purposes of technical education or other programmes of instruction of the college, moneys contributed by organizations that have entered into agreements with the board of governors of the college, fees paid by students and moneys received from other sources.

Regulations

(7) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations with respect to colleges of applied arts and technology,

(*a*) providing for the composition of the Ontario Council of Regents for Colleges of Applied Arts and Technology;

(*b*) providing for the composition of the boards of governors on a suitably representative basis and of the advisory committees thereof and for the appointment of the members of such boards and committees;

(*c*) prescribing the powers and duties of boards of governors and advisory committees, the manner of calling and conducting the meetings thereof and the procedure for the election or appointment of chairmen and officers;

(*d*) prescribing the type, content and duration of programmes of instruction to be offered;

(*e*) prescribing the requirements for admission to any programme of instruction, and prescribing the terms and conditions upon which students may remain in, or be discharged from, any programme of instruction;

(*f*) for the granting of certificates and diplomas of standing following successful completion of any programme of instruction;

(*g*) prescribing the qualifications and conditions of service of members of the teaching staffs of such colleges;

(*h*) providing for the payment of travelling allowances or expenses to members of the Ontario Council of Regents for Colleges of Applied Arts and Technology, boards of governors and advisory committees, and of the officers and employees of such colleges;

(*i*) requiring students to pay registration, tuition and laboratory fees in respect of any programme of instruction, and fixing the amounts and manner of payment thereof;

(*j*) providing for the admission of persons from outside Ontario, and prescribing fees payable by such persons in respect of any programme of instruction and the manner of payment thereof;

(*k*) providing for the incorporation of schools established under section 14 with such colleges.

(8) No regulation made under subsection 7 applies to a university or to programmes of instruction given by a university in such colleges. Application of regulations

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Department of Education Amendment Act, 1965*. Short title

1st Reading

May 21st, 1965

2nd Reading

May 31st, 1965

3rd Reading

June 21st, 1965

MR. DAVIS

BILL 154

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Children's Institutions Act, 1962-63

MR. CECILE

TORONTO
PRINTER AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. The grant for construction of new buildings or additions is increased from 50 per cent of the cost, with a maximum of $2,500 per bed, to 100 per cent of the cost, with a maximum of $5,000 per bed.

SECTION 2. The grant for acquiring an existing building is increased from 50 per cent of the cost, with a maximum of $750 per bed, to 100 per cent of the cost, with a maximum of $1,200 per bed.

BILL 154 **1965**

An Act to amend The Children's Institutions Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Children's Institutions Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 14, s. 5, re-enacted

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a children's institution have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation, erecting the new building or the addition, of an amount equal to the cost to the approved corporation of the new building or the addition, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of $5,000 per bed. Grants for construction of buildings or additions

2. Section 6 of *The Children's Institutions Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 14, s. 6, re-enacted

6. When the acquisition of a building to be used as a children's institution has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation, acquiring the building, of an amount equal to the cost to the approved corporation of the acquisition, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the building at the rate of $1,200 per bed. Grants for acquisition of buildings

1962-63 c. 14, s. 7, re-enacted

3. Section 7 of *The Children's Institutions Act, 1962-63* s repealed and the following substituted therefor:

Subsidy for operating and maintenance costs

7. Subject to section 8, there shall be paid to an approved corporation, out of the moneys appropriated therefor by the Legislature, an amount equal to 75 per cent of the cost to the corporation, computed in accordance with the regulations, of providing for the care and maintenance of those children who are residing in a children's institution that is maintained and operated by the corporation and who have not been committed to the care of a children's aid society under *The Child Welfare Act, 1965* or any predecessor thereof.

1965, c. ....

1962-63, c. 14, s. 11, cls. *j*, *k*, repealed

4.—(1) Clauses *j* and *k* of section 11 of *The Children's Institutions Act, 1962-63* are repealed.

1962-63, c. 14, s. 11, cl. *l*, re-enacted

(2) Clause *l* of the said section 11 is repealed and the following substituted therefor:

(*l*) prescribing the manner of computing the cost of the care and maintenance of children in children's institutions for the purposes of section 7.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Children's Institutions Amendment Act, 1965.*

SECTION 3. The grant for maintenance of children in a children's institution is increased from 50 per cent of the net cost to 75 per cent of the gross cost.

SECTION 4. The amendments are complementary to sections 1, 2 and 3 of the Bill.

1st Reading

May 21st, 1965

2nd Reading

3rd Reading

MR. CECILE

1965

BILL 154

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Children's Institutions Act, 1962-63

MR. CECILE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 154 **1965**

An Act to amend The Children's Institutions Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Children's Institutions Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 14, s. 5, re-enacted

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a children's institution have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation, erecting the new building or the addition, of an amount equal to the cost to the approved corporation of the new building or the addition, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of $5,000 per bed. Grants for construction of buildings or additions

2. Section 6 of *The Children's Institutions Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 14, s. 6, re-enacted

6. When the acquisition of a building to be used as a children's institution has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation, acquiring the building, of an amount equal to the cost to the approved corporation of the acquisition, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the building at the rate of $1,200 per bed. Grants for acquisition of buildings

1962-63, c. 14, s. 7, re-enacted

3. Section 7 of *The Children's Institutions Act, 1962-63* is repealed and the following substituted therefor:

Subsidy for operating and maintenance costs

7. Subject to section 8, there shall be paid to an approved corporation, out of the moneys appropriated therefor by the Legislature, an amount equal to 75 per cent of the cost to the corporation, computed in accordance with the regulations, of providing for the care and maintenance of those children who are residing in a children's institution that is maintained and operated by the corporation and who have not been committed to the care of a children's aid society under *The Child Welfare Act, 1965* or any predecessor thereof.

1965, c. 14

1962-63, c. 14, s. 11, cls. *j*, *k*, repealed

4.—(1) Clauses *j* and *k* of section 11 of *The Children's Institutions Act, 1962-63* are repealed.

1962-63, c. 14, s. 11, cl. *l*, re-enacted

(2) Clause *l* of the said section 11 is repealed and the following substituted therefor:

(*l*) prescribing the manner of computing the cost of the care and maintenance of children in children's institutions for the purposes of section 7.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Children's Institutions Amendment Act, 1965.*

1st Reading

May 21st, 1965

2nd Reading

June 8th, 1965

3rd Reading

June 21st, 1965

MR. CECILE

BILL 155

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Homes for Retarded Children Act, 1962-63

MR. CECILE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The grant for construction of new buildings or additions is increased from 50 per cent of the cost, with a maximum of $2,500 per bed, to 100 per cent of the cost, with a maximum of $5,000 per bed.

Section 2. The grant for acquiring an existing building is increased from 50 per cent of the cost, with a maximum of $750 per bed, to 100 per cent of the cost, with a maximum of $1,200 per bed.

Section 3. The grant for maintenance of children in an approved home is incresed from 50 per cent of the net cost to 75 per cent of the gross cost.

BILL 155 **1965**

An Act to amend The Homes for Retarded Children Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Homes for Retarded Children Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 57, s. 5, re-enacted

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a home for retarded children have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved local association, erecting the new building or the addition, of an amount equal to the cost to the local association of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of $5,000 per bed. Grants for construction of buildings or additions

2. Section 6 of *The Homes for Retarded Children Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 57, s. 6, re-enacted

6. When the acquisition of a building to be used as a home for retarded children has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved local association, acquiring the building, of an amount equal to the cost to the local association of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of $1,200 per bed. Grants for acquisition of buildings

3. Section 8 of *The Homes for Retarded Children Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 57, s. 8, re-enacted

Subsidy for operating and maintenance costs

8. Subject to section 9, there shall be paid to an approved local association, out of the moneys appropriated therefor by the Legislature, an amount equal to 75 per cent of the cost to the local association, computed in accordance with the regulations, of providing residential accommodation for those children who are residing in an approved home that is maintained and operated by the local association and who have not been committed to the care of a children's aid society under *The Child Welfare Act, 1965* or any predecessor thereof.

1965, c. ....

1962-63, c. 57, s. 12, cl. *h*, re-enacted

4.—(1) Clause *h* of section 12 of *The Homes for Retarded Children Act, 1962-63* is repealed and the following substituted therefor:

(*h*) prescribing the manner of computing costs to local associations for the purposes of sections 7 and 8.

1962-63, c. 57, s. 12, cls. *i*, *j*, repealed

(2) Clauses *i* and *j* of the said section 12 are repealed.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Homes for Retarded Children Amendment Act, 1965*.

SECTION 4. The amendments are complementary to sections 1, 2 and 3 of the Bill.

1st Reading

May 21st, 1965

2nd Reading

3rd Reading

MR. CECILE

BILL 155

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Homes for Retarded Children Act, 1962-63

MR. CECILE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 155 **1965**

An Act to amend The Homes for Retarded Children Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Homes for Retarded Children Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 57, s. 5, re-enacted

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a home for retarded children have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved local association, erecting the new building or the addition, of an amount equal to the cost to the local association of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of $5,000 per bed. Grants for construction of buildings or additions

2. Section 6 of *The Homes for Retarded Children Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 57, s. 6, re-enacted

6. When the acquisition of a building to be used as a home for retarded children has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved local association, acquiring the building, of an amount equal to the cost to the local association of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of $1,200 per bed. Grants for acquisition of buildings

3. Section 8 of *The Homes for Retarded Children Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 57, s. 8, re-enacted

Subsidy for operating and maintenance costs

8. Subject to section 9, there shall be paid to an approved local association, out of the moneys appropriated therefor by the Legislature, an amount equal to 75 per cent of the cost to the local association, computed in accordance with the regulations, of providing residential accommodation for those children who are residing in an approved home that is maintained and operated by the local association and who have not been committed to the care of a children's aid society under *The Child Welfare Act, 1965* or any predecessor thereof.

1965, c. 14

1962-63, c. 57, s. 12, cl. *h*, re-enacted

4.—(1) Clause *h* of section 12 of *The Homes for Retarded Children Act, 1962-63* is repealed and the following substituted therefor:

(*h*) prescribing the manner of computing costs to local associations for the purposes of sections 7 and 8.

1962-63, c. 57, s. 12, cls. *i*, *j*, repealed

(2) Clauses *i* and *j* of the said section 12 are repealed.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Homes for Retarded Children Amendment Act, 1965*.

1st Reading

May 21st, 1965

2nd Reading

June 8th, 1965

3rd Reading

June 21st, 1965

MR. CECILE

BILL 156

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Department of Public Welfare Act

MR. CECILE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of the Bill is to provide the machinery necessary to participate in the plan to make contributions toward the cost of welfare services, proposed by the Federal Government.

BILL 156 **1965**

An Act to amend The Department of Public Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Public Welfare Act* is amended by adding thereto the following section: R.S.O. 1960, c. 100, amended

7. The Lieutenant Governor in Council may make regulations providing for the apportionment and distribution of all moneys appropriated by the Legislature for the payment to counties and district welfare administration boards of subsidies for the cost of administration of welfare services and prescribing the conditions under which the subsidies shall be paid. Subsidies for cost of administration

2. The moneys required for the payment of the subsidies referred to in section 7 of *The Department of Public Welfare Act*, as enacted by section 1 of this Act, may, until the 31st day of March, 1966, be paid in accordance with the regulations out of the Consolidated Revenue Fund. Payment until March 31, 1966

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

4. This Act may be cited as *The Department of Public Welfare Amendment Act, 1965*. Short title

An Act to amend
The Department of Public Welfare Act

1st Reading

May 21st, 1965

2nd Reading

3rd Reading

MR. CECILE

BILL 156

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Department of Public Welfare Act

MR. CECILE

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 156 **1965**

An Act to amend The Department of Public Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Public Welfare Act* is amended by adding thereto the following section: R.S.O. 1960, c. 100, amended

7. The Lieutenant Governor in Council may make regulations providing for the apportionment and distribution of all moneys appropriated by the Legislature for the payment to counties and district welfare administration boards of subsidies for the cost of administration of welfare services and prescribing the conditions under which the subsidies shall be paid. Subsidies for cost of administration

2. The moneys required for the payment of the subsidies referred to in section 7 of *The Department of Public Welfare Act*, as enacted by section 1 of this Act, may, until the 31st day of March, 1966, be paid in accordance with the regulations out of the Consolidated Revenue Fund. Payment until March 31, 1966

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

4. This Act may be cited as *The Department of Public Welfare Amendment Act, 1965*. Short title

The Department of Public Welfare Act

1st Reading

May 21st, 1965

2nd Reading

June 8th, 1965

3rd Reading

June 21st, 1965

MR. CECILE

1965

BILL 157

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The Pension Benefits Act, 1965

MR. ROBARTS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

This Bill contains a revision of the Pensions Act in the light of the experience gained in its operation by the Pension Commission of Ontario since August 1, 1963.

The revised Act is designed to facilitate the development of uniform pension legislation across Canada, and includes provisions for reciprocal arrangements among the provinces.

Section 1—Clause *b*. It is anticipated that the provinces of Canada that enact a uniform Pension Benefits Act will use various commencement dates. The vesting and locking-in rules of section 21 relate to pensionable service in Ontario and in any other uniform Act province, but only in respect of service in each province after the commencement date of the provincial Act.

Clause *d*. The intended imposition of financial responsibility and liability to pay unfunded deficiencies upon a new employer requires the inclusion of successors and assigns within the definition of "employer".

This amendment will include The Municipality of Metropolitan Toronto and any other metropolitan municipality that may be established in Ontario.

BILL 157 **1965**

The Pension Benefits Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpretation

(*a*) "Commission" means the Pension Commission of Ontario;

(*b*) "designated province" means a province or territory of Canada that is designated by regulation as a province or territory in which there is in force legislation substantially similar to this Act;

(*c*) "employee" means an individual who performs service in Ontario or in a designated province for a continuous period of not less than six months under a contract of service or of apprenticeship, and includes an officer or director of a corporation or of an unincorporated organization and an agent acting for his principal on a substantially full-time basis;

(*d*) "employer" means, in relation to an employee, the person, partnership, firm, association, institution or other unincorporated organization or corporation, wherever incorporated, carrying on business or established in Ontario, from whom the employee receives his remuneration, and includes,

(i) the successors or assigns of the employer, and

(ii) Her Majesty in right of Ontario, an agent of Her Majesty, a municipality as defined in *The Department of Municipal Affairs Act*, and a metropolitan municipality and the local boards thereof; R.S.O. 1960, c. 98

(*e*) "life annuity" means an annuity that continues for the duration of the life of the annuitant, whether or not it is thereafter continued to some other person, and "deferred life annuity" means a life annuity that commences at retirement age under a pension plan, but in any event not later than age seventy years;

(*f*) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;

(*g*) "pension benefit" means the aggregate annual, monthly or other periodic amounts to which an employee will become entitled upon retirement or to which any other person is entitled by virtue of his death after retirement under a pension plan, and "pension benefit credit" means the value at a particular time of the pension benefits and any other benefits provided under the pension plan to which an employee has become entitled;

(*h*) "pension plan" means a superannuation or pension fund or plan organized and administered to provide a pension benefit for employees, and includes,

(i) a unit benefit plan under which pension benefits are determined with reference to remuneration of an employee for each year of service, or for a selected number of years of service,

(ii) a money purchase plan under which pension benefits are determined at the retirement of an employee with reference to the accumulated amount of the aggregate contributions paid by or for the credit of the employee,

(iii) a flat benefit plan under which the pension benefits are expressed either as a fixed amount in respect of each year of employment or as a fixed periodic amount, and

(iv) a deferred profit sharing pension plan other than a profit sharing plan as defined in sections 52 and 53*a* of *The Corporations Tax Act*;

R.S.O. 1960, c. 73

(*i*) "qualification date" means, in respect of employment in Ontario, the 1st day of January, 1965, and, in respect of employment in a designated province,

Clause *g*. This clause has been amended to include survivor pensions within the definition of "pension benefit".

Clause *n*. Supplemental pension plans are required to be registered with the Commission under the provisions of section 18 (3).

the date upon which, under the law of such province, a pension plan is required to maintain its qualification for registration;

(*j*) "registered pension plan" means a pension plan that is registered with and certified by the Commission as a plan organized and administered in accordance with this Act;

(*k*) "regulations" means the regulations made under this Act;

(*l*) "service for a continuous period" means service for a period of time without regard to periods of temporary suspension of employment;

(*m*) "Superintendent" means the Superintendent of Pensions;

(*n*) "supplemental pension plan" includes a pension plan established for employees whose membership in another pension plan is a condition precedent to membership in the supplemental pension plan;

(*o*) "voluntary additional contribution" means an additional contribution by an employee to or under a pension plan except a contribution the payment of which, under the terms of the plan, imposes upon the employer an obligation to make a concurrent additional contribution to or under the plan. 1962-63, c. 103, s. 1; 1964, c. 88, s. 1, *amended*.

Province in which person deemed employed

(2) For the purposes of this Act, a person shall be deemed to be employed in the province in which the establishment of his employer to which he reports for work is situated, and, where the employee is not required to report for work at any establishment of his employer, he shall be deemed to be employed in the province in which the establishment of his employer from which his remuneration is paid is situated. *New*.

Conflict

(3) In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails. 1962-63, c. 103, s. 12.

Pension Commission continued

2.—(1) The Pension Commission of Ontario is continued and shall be composed of not fewer than five and not more than nine members as the Lieutenant Governor in Council from time to time determines. 1962-63, c. 103, s. 2 (1), *amended*.

Appointments

(2) The Lieutenant Governor in Council shall appoint the chairman, the vice-chairman and the other members of the Commission, each of whom shall hold office for a term of three years, except that, of those first appointed, one-third, or as nearly as may be, shall be appointed for a term of one year, one-third, or as nearly as may be, for a term of two years, and the remainder for a term of three years.

Re-appointment

(3) Every member of the Commission is eligible for re-appointment upon the completion of his term of office. 1962-63, c. 103, s. 2 (2, 3).

Acting chairman

3. In the event of the absence of the chairman and the vice-chairman, such member of the Commission as the members of the Commission designate for the purpose shall act as and have the powers of the chairman. 1962-63, c. 103, s. 3.

Vacancies

4. The Lieutenant Governor in Council may fill any vacancy that occurs from time to time in the membership of the Commission. 1962-63, c. 103, s. 4.

Quorum

5. One-half or more of the members of the Commission constitute a quorum, whether or not a vacancy exists in the membership of the Commission. 1962-63, c. 103, s. 5.

Administrative divisions

6. The Commission may establish such administrative divisions as appear to be appropriate from time to time. 1962-63, c. 103, 8 (2).

Superintendent of Pensions

7.—(1) The Commission shall appoint the Superintendent of Pensions who shall be the chief administrative officer of the Commission. 1962-63, c. 103, s. 8 (1).

Inspection

(2) The Superintendent or his duly authorized representative may, at any reasonable time,

(*a*) inspect the books, files, documents and other records respecting a pension plan kept by an employer, an insurer, a trustee of the pension plan or any other person; and

(*b*) require any employer, insurer, trustee of a pension plan or other person to furnish, in a form acceptable to the Commission, such information as the Commission deems necessary for the purpose of ascertaining whether this Act and the regulations have been or are being complied with. 1962-63, c. 103, s. 22 (4).

Staff

8.—(1) The Commission may appoint such officers, clerks, servants and other members of its staff as it deems appropriate. *New.*

(2) The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, salary ranges and the terms and conditions of employment of the members of its staff. Terms of employment

(3) *The Public Service Superannuation Act* applies to the permanent members of the staff of the Commission and to those members of the Commission designated by the Lieutenant Governor in Council. R.S.O. 1960, c. 332, applicable

(4) Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*. 1962-63, c. 103, s. 6. Security R.S.O. 1960, c. 326

9. No member of the Commission and no employee thereof is personally liable for anything done by it or him in good faith under the authority of this Act or the regulations. 1962-63, c. 103, s. 23 (2). Liability of members and employees of Commission

10.—(1) It is the function of the Commission and it has power, Functions and powers of Commission

(*a*) to promote the establishment, extension and improvement of pension plans throughout Ontario;

(*b*) to accept for registration all pension plans required to be registered or filed for registration with the Commission under this Act, and to reject any pension plan that does not qualify for registration;

(*c*) to administer and enforce this Act, and to cancel pension plan certificates of registration issued in respect of pension plans that,

(i) fail to meet the tests for solvency prescribed by the regulations, or

(ii) otherwise cease to qualify for registration under this Act;

(*d*) to conduct surveys and research programmes and to obtain statistics for the purposes of the Commission;

(*e*) to assess, collect and retain for the purposes of the Commission fees for the registration and annual supervision of pension plans;

(*f*) to perform such other functions and discharge such other duties as are assigned to it from time to time by the Lieutenant Governor in Council.

Reciprocal agreements

(2) The Commission may, subject to the approval of the Lieutenant Governor in Council,

(*a*) enter into agreements with the authorized representatives of a designated province or the Government of Canada to provide for the reciprocal registration, audit and inspection of pension plans and for the establishment of a Canadian association of pension commissions;

(*b*) authorize a Canadian association of pension commissions to carry out such duties on behalf of the Commission as the Commission may require;

(*c*) delegate to the pension commission or to the government of a designated province such functions and powers under this Act as the Commission may determine. 1962-63, c. 103, s. 7, *amended*.

Appropriations

11. The moneys required for the purposes of the Commission, in addition to the fees and charges assessed under clause *e* of subsection 1 of section 10 and the fines imposed under section 26, shall be paid out of the moneys appropriated therefor by the Legislature. 1962-63, c. 103, s. 9, *amended*.

Audit

12. The accounts and financial transactions of the Commission shall be examined annually by the Provincial Auditor. 1962-63, c. 103, s. 10.

Annual report

13.—(1) The Commission shall make an annual report of the affairs of the Commission to the Minister. 1962-63, c. 103, s. 11 (1).

Tabling

(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1962-63, c. 103, s. 11 (3), *amended*.

Actions for deducting sums

14. No action lies against any person for withholding, deducting, paying or crediting any sum of money in compliance or intended compliance with this Act. 1962-63, c. 103, s. 22 (5).

Agreements void

15. Where this Act requires an amount to be deducted, withheld, paid or credited, an agreement by the person on whom that obligation is imposed not to deduct, withhold, pay or credit such amount is void. 1962-63, c. 103, s. 22 (6).

SECTION 10, Subsection 2—Clause *b*. The Commission may authorize a Canadian association of pension commissions to undertake such continual consultations as may be required among the provinces to maintain a close liaison in administration and in policy determination.

Clause *c*. The Commission may, subject to order in council, delegate to another pension commission registration and review functions in the case of plans maintained by employers the majority of whose employees are employed in such other province. It is contemplated that the extent of the delegation would be settled by interprovincial agreement. Such agreement would be confirmed by order in council.

SECTION 17. This section incorporates the provisions of section 63 of *The Conveyancing and Law of Property Act*, R.S.O. 1960, c. 66.

SECTION 18. This section relieves employers of the liability that would be imposed in the case of union or fraternal plans that are controlled by the union or fraternal membership. The former Act required such plans to meet the conditions for registration.

16. The Lieutenant Governor in Council may establish or designate an agency for the purposes, among others, of receiving, holding and disbursing pension benefit credits under this Act. 1962-63, c. 103, s. 13, *amended*. Pension agency

17.—(1) In this section, Interpretation

(*a*) "employee" means an employee or former employee who is a member of a pension plan; and

(*b*) "employer" includes the trustee or insurer under a pension plan.

(2) Where in accordance with the terms of a pension plan an employee has designated a person or persons to receive a benefit payable under the plan in the event of the employee's death, Appointments of beneficiaries under a pension plan validated

(*a*) the employer's liability to provide the benefit is discharged upon payment to such person or persons of the amount of the benefit;

(*b*) such person or persons may upon the death of the employee enforce payment of the benefit, but the employer is entitled to set up any defence that he could have set up against the employee or his personal representatives.

(3) An employee may from time to time alter or revoke a designation made under a pension plan, but any such alteration or revocation may be made only in the manner set forth in the plan. Change of designation

(4) This section does not apply to a designation of a beneficiary to which *The Insurance Act* applies. *New*. Application of R.S.O. 1960, c. 190

18.—(1) Every employer of employees in Ontario covered by a pension plan established before the 1st day of January, 1965, shall, unless under the terms of the plan the employer is not required to make contributions to or under the plan, Registration of pension plans established before Jan. 1, 1965

(*a*) file a copy of such pension plan with the Commission for registration on or before the 1st day of January, 1965, or as soon thereafter as the Commission requires; and

(*b*) while such plan remains in force, maintain its qualification for registration as required by this Act.

Pension plans established on or after Jan. 1, 1965

(2) Every employer who establishes a pension plan for employees in Ontario on or after the 1st day of January, 1965, shall, unless under the terms of the plan the employer is not required to make contributions to or under the plan,

(*a*) file a copy of the pension plan with the Commission for registration within sixty days after the establishment of the plan; and

(*b*) while the plan is in force, maintain its qualification for registration as required by this Act.

Supplemental plan included

(3) Notwithstanding subsections 1 and 2, a pension plan required to be registered shall be deemed to include a supplemental pension plan established by the employer under the terms of which the employer is not required to make contributions.

Annual returns

(4) Commencing in the year 1966, every employer of employees in Ontario covered by a pension plan shall file with the Commission annually an information return as prescribed by the regulations in respect of every pension plan administered by or on behalf of the employer or the employees. 1964, c. 88, s. 2, *part, amended.*

Acceptance of plans for registration

19. The Commission shall accept for registration and issue its certificate in respect of each pension plan filed for registration under section 18 that in the opinion of the Commission is a pension plan organized and administered in accordance with this Act. 1964, c. 88, s. 2, *part, amended.*

Procedure upon refusal to register

20. After a pension plan is filed with the Commission for registration, the Superintendent shall advise the Commission in writing of his opinion as to whether or not the plan is organized and administered in accordance with this Act, and no penalty shall be imposed upon an employer under this Act for failure to register a pension plan until the written opinion of the Superintendent has been received by the Commission and the Commission has notified the employer of its decision concerning registration of the plan by registered mail and sixty days have elapsed thereafter. 1962-63, c. 103, s. 16, *amended.*

Vesting and locking-in requirement

21.—(1) A pension plan filed for registration in accordance with section 18 shall contractually provide that,

(*a*) a member of the plan who has been in the service of the employer for a continuous period of ten years, or has been a member of the plan for such period, whichever shall first occur, and who has attained the

SECTION 20. This amendment conforms to section 23 as amended.

SECTION 21, Subsection 1—Clause *a*. This amendment is intended to make it clear that the qualification for vesting is based upon ten years' service within or outside Ontario with the same employer or as a member of the plan. The reference to membership in the plan for a continuous period of ten years is intended to cover employees employed by several employers while participating in an industry pension plan.

The amount of the vested benefit is based upon qualified service in Ontario and in all designated provinces, provided that the accrual of vested benefits commences on the qualification date with respect to service in each province.

The continuous period of employment is not broken if an employee moves out of Ontario. The qualification for benefit period commences in the case of an employee hired outside Ontario at the date of hiring. The vested pension is provided regardless of the place of termination of employment.

age of forty-five years, is entitled, upon termination of his employment prior to his attaining retirement age, or upon termination of his membership in the plan prior to his attaining retirement age, to a deferred life annuity commencing at his normal retirement age equal to the pension benefits (except pension benefits provided by voluntary additional contributions) provided in respect of service as an employee in Ontario or in a designated province,

(i) under the terms of the plan in respect of service on or after the qualification date,

(ii) by an amendment to the terms of the plan made on or after the qualification date, or

(iii) by the creation of a new pension plan on or after the qualification date;

(*b*) both the pension benefits provided under the terms of the plan and the deferred life annuity prescribed by this section are not capable of assignment or alienation and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the pension benefits or the deferred life annuity capable of being assigned or otherwise alienated;

(*c*) upon termination of his employment or upon termination of his membership in the plan, a member of the plan who is entitled to a deferred life annuity under clause *a* is not entitled to withdraw any part of his contributions to or under the plan, except voluntary additional contributions, in respect of service in Ontario or in a designated province on or after the qualification date, and such contributions shall be applied under the terms of the plan toward the provision of the deferred life annuity required to be provided to the employee under clause *a*.

(2) Notwithstanding any provision of a pension plan, No surrender or commutation

(*a*) the deferred life annuity prescribed by subsection 1 is not capable of surrender or commutation during the lifetime of the employee and does not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the deferred annuity capable of being surrendered or commuted during the lifetime of the employee;

(*b*) the pension benefits provided under the terms of the plan in respect of service after the qualification date are not, on or after the date of retirement of an employee, capable of surrender or commutation during his lifetime and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in such pension benefits capable of being surrendered or commuted during the lifetime of the employee.

Exception, small annuities

(3) Notwithstanding subsections 1 and 2, a pension plan may provide for,

(*a*) vesting or locking in at an earlier age than forty-five years or upon service or membership in the plan for less than ten years, or for both; and

(*b*) payment to an employee of an amount equal to the commuted value of the deferred life annuity or pension benefit to which the employee is entitled if the amount thereof payable to the employee at normal retirement age is less than $10 a month payable during his lifetime.

partial commutation

(4) Notwithstanding subsections 1 and 2, where a pension plan so provides, an employee may receive in partial discharge of his rights under the plan as a lump sum, upon or after termination of employment or membership in the plan prior to his attaining normal retirement age as defined by the plan, an amount that in total does not exceed 25 per cent of the commuted value of the deferred life annuity prescribed by subsection 1. 1964, c. 88, s. 4, *part*, *amended*.

alternative settlements

(5) If a pension plan so provides, a person who is entitled to a deferred life annuity under subsection 1 may, before the commencement of payment of such life annuity, elect to receive,

(*a*) a deferred life annuity the amount of which is reduced or increased by reason of early or deferred retirement, by provision for the payment of an optional annuity to a survivor or to the estate of the employee, or by variation of the terms of payment of such annuity to any person after the employee's death; and

(*b*) a payment or series of payments by reason of a mental or physical disability as prescribed by the regulations,

partly or wholly in lieu of the deferred life annuity described by subsection 1.

Clause *b*. Pension benefits arising after the qualification date are not capable of surrender or commutation at or after retirement. This provision is not retroactive.

Subsection 3. A pension or deferred pension amounting to less than $10 a month on a life only basis may be commuted for a lump sum.

Subsection 4. This amendment will permit an employee to elect to receive a lump sum in partial settlement, at any time after termination prior to retirement, if the plan so provides.

Subsection 5. This subsection permits the form of the pension settlement to be varied at the employee's option or in a case of disability.

Subsection 6. The annuity may be varied to co-ordinate with old age security benefits or other government pension.

Subsection 7. This subsection preserves the vested deferred pensions of employees in the event of winding-up of the pension plan.

integration with government pension

(6) If a pension plan so provides, an employee may, on or before attaining normal retirement age as defined by the plan, elect to receive an annuity the amount of which is varied by reference to benefits payable under the *Old Age Security Act* (Canada) or under any other pension plan administered by the Government of Canada or by the government of a province of Canada.

R.S.C. 1952, c. 200

winding-up of plan

(7) Upon the termination or winding-up of a pension plan, all contributions by an employer and an employee made after the qualification date in respect of the deferred life annuity prescribed by subsection 1 shall be applied under the terms of the plan,

(*a*) in the case of a former employee, toward the provision of the deferred life annuity to which he was entitled at the date of termination of his employment; and

(*b*) in the case of an employee, toward the provision of the deferred life annuity to which he would be entitled if he ceased to be an employee upon the date of termination or winding-up of the plan.

Contribution and benefit formulae

(8) A pension plan filed for registration in accordance with section 18 shall provide for contributions and benefits calculated in accordance with a formula prescribed by the regulations. *New.*

Funding and solvency requirement of plans

22.—(1) A pension plan filed for registration in accordance with section 18 shall contractually provide for,

(*a*) funding, in accordance with the tests for solvency prescribed by the regulations, that is adequate to provide for payment of all pension benefits, deferred life annuities and other benefits required to be paid under the terms of the plan;

(*b*) a written explanation to each member of the plan of the terms and conditions of the plan and amendments thereto applicable to him, together with an explanation of the rights and duties of the employee with reference to the benefits available to him under the terms of the plan and such other information as may be prescribed by the regulations; and

(*c*) investment of pension fund moneys in the securities and loans prescribed by the regulations. 1962-63, c. 103, s. 19; 1964, c. 88, s. 5, *amended*.

Winding-up of plan

(2) Upon the termination or winding-up of a pension plan filed for registration as required by section 18, the employer is liable to pay all amounts that would otherwise have been required to be paid to meet the tests for solvency prescribed by the regulations, up to the date of such termination or winding-up, to the insurer, administrator or trustee of the pension plan.

No reduction of present benefits because of C.P.P. 1965, c. .... (Can.)

(3) No amendment of a pension plan consequent upon the coming into force of the *Canada Pension Plan* shall adversely affect the pension benefits of any member in respect of service or membership in the plan prior to the 1st day of January, 1966. *New.*

Notice of objection

23.—(1) Where the Commission refuses to accept for registration a pension plan filed for registration under this Act, or cancels a certificate of registration, the employer may, within sixty days of the day of mailing of a notification of refusal or cancellation of registration, serve on the Commission a notice of objection in duplicate in the prescribed form, setting out the reasons for the objection and all relevant facts. 1962-63, c. 103, s. 24 (1), *amended.*

Service

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Commission at Toronto.

Review by Commission

(3) Upon receipt of a notice of objection, the Commission shall with all due despatch reconsider its opinion, and vary or confirm its opinion, and it shall thereupon notify the employer of its actions by registered mail. 1962-63, c. 103, s. 24 (2, 3).

Appeal to Court of Appeal

24.—(1) Where an employer has served a notice of objection under section 23, he may appeal to the Court of Appeal for an order requiring the Commission to accept the pension plan for registration under this Act,

(*a*) within ninety days after the Commission has confirmed its opinion that the pension plan is not acceptable for registration; or

(*b*) after ninety days and before 180 days have elapsed after service of the notice of objection and the Commission has not notified the employer that it has confirmed or varied its opinion.

Filing of notice of appeal

(2) An appeal to the Court shall be instituted by filing with the Registrar of the Court or by sending by registered mail addressed to him at Toronto three copies of a notice of appeal in such form as is determined by the rules of the Court.

SECTION 22—Subsection 2. Upon winding-up, the employer must pay all amounts due to the plan in respect of the period up to the winding-up date.

Subsection 3. This new subsection protects the existing pension rights of employees where a plan is amended because of the *Canada Pension Plan*.

SECTION 23—Subsection 1. This amendment extends the right of appeal to cases of cancellation of registration of pension plans.

(3) Upon receipt of the copies of the notice of appeal, the Registrar shall transmit two copies to the Superintendent. Transmission to Superintendent

(4) Immediately after receiving a copy of the notice of appeal, the Superintendent shall forward to the Registrar copies of all documents relevant to the appeal. Transmission of material

(5) An appeal may, in the discretion of the Court, be heard *in camera* or in public, unless the appellant requests that it be heard *in camera*, in which case it shall be so heard. Hearings *in camera*

(6) The Court may dispose of an appeal by dismissing it, by referring the matters in issue back to the Commission for reconsideration, or by allowing the appeal. Disposition of appeals

(7) Where the Court allows an appeal under this section, the Commission shall accept the pension plan for registration in accordance with the direction of the Court, which may include conditions precedent to qualification for registration of the plan imposed upon the appellant. 1962-63, c. 103, ss. 25-28. Executing decision of Court

25. The Lieutenant Governor in Council may make regulations, Regulations

(*a*) respecting methods of computing pension benefit credits and pension benefits and the commuted value of a deferred life annuity;

(*b*) respecting the variation of pension benefits and deferred life annuities by reference to pensions payable under the *Old Age Security Act* (Canada) or under any other pension plan administered by the Government of Canada or by the government of a province of Canada; R.S.C. 1952, c. 200

(*c*) prescribing the classes of investments and loans, both qualitative and quantitative, in which pension fund moneys heretofore or hereafter accumulated may be invested, and governing the making of such investments and loans;

(*d*) prescribing tests and standards for solvency of pension plans;

(*e*) prescribing the conditions under which, upon termination of employment of an employee, upon termination of an employee's membership in a pension plan or upon the termination or winding-up of a pension plan, pension benefit credits may be held in trust

by the administrator, insurer or trustee of the pension plan, or transferred to the administrator, insurer or trustee of another pension plan or to a registered retirement savings plan or to the agency described in section 16;

(*f*) designating employees or pension plans, or any class thereof, that are excepted from the application of the Act and the regulations;

(*g*) designating any province or territory of Canada as a province or territory, as the case may be, in which there is in force legislation substantially similar to this Act;

(*h*) prescribing mental or physical disability for the purpose of clause *b* of subsection 5 of section 21;

(*i*) providing for, regulating and governing the disposition of the assets of a pension plan that is discontinued, terminated or wound up;

(*j*) requiring the furnishing of information to the Commission in respect of pension plans;

(*k*) prescribing forms and providing for their use;

(*l*) prescribing fees for registration and the annual supervision of pension plans;

(*m*) prescribing approved contribution and benefit formulae in respect of pension plans required to be registered under this Act; and

(*n*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1962-63, c. 103, s. 20; 1964, c. 88, s. 6, *amended*.

Penalties

26.—(1) Every person who contravenes any provision of this Act or the regulations or who obstructs an officer or agent of the Commission in the performance of his duties is guilty of an offence and on summary conviction is liable to a fine of not less than $200 and not more than $10,000.

Idem

(2) Every employer who is convicted of an offence under subsection 1 shall pay to the insurer, trustee or administrator of the pension plan in respect of which the offence was com-

SECTION 26—Subsection 1. This section has been amended to repeal the penalty of imprisonment and to delete provisions that were originally designed to deal with standard pension plans under the original Pension Benefits Act.

mitted all amounts that the employer has wrongly failed to pay as required by this Act and the regulations. 1962-63, c. 103, s. 22 (1, 2), *amended*.

(3) Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. *New*. Idem

(4) The fines recovered for offences against this Act shall be paid to the Commission. 1962-63, c. 103, s. 22 (3), *amended*. Disposition of fines

27. *The Pension Benefits Act, 1962-63* and *The Pension Benefits Amendment Act, 1964* are repealed. 1962-63, c. 103; 1964, c. 88, repealed

28. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

29. This Act may be cited as *The Pension Benefits Act, 1965*. Short title

The Pension Benefits Act, 1965

1st Reading

May 21st, 1965

2nd Reading

3rd Reading

MR. ROBARTS

BILL 157

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The Pension Benefits Act, 1965

MR. ROBARTS

(Reprinted as amended by the Committee of the Whole House)

TORONTO
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Explanatory Notes

This Bill contains a revision of the Pensions Act in the light of the experience gained in its operation by the Pension Commission of Ontario since August 1, 1963.

The revised Act is designed to facilitate the development of uniform pension legislation across Canada, and includes provisions for reciprocal arrangements among the provinces.

Section 1—Clause *b*. It is anticipated that the provinces of Canada that enact a uniform Pension Benefits Act will use various commencement dates. The vesting and locking-in rules of section 21 relate to pensionable service in Ontario and in any other uniform Act province, but only in respect of service in each province after the commencement date of the provincial Act.

Clause *d*. The intended imposition of financial responsibility and liability to pay unfunded deficiencies upon a new employer requires the inclusion of successors and assigns within the definition of "employer".

This amendment will include The Municipality of Metropolitan Toronto and any other metropolitan municipality that may be established in Ontario.

BILL 157 **1965**

The Pension Benefits Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpretation

(*a*) "Commission" means the Pension Commission of Ontario;

(*b*) "designated province" means a province or territory of Canada that is designated by regulation as a province or territory in which there is in force legislation substantially similar to this Act;

(*c*) "employee" means an individual who performs service in Ontario or in a designated province for a continuous period of not less than six months under a contract of service or of apprenticeship, and includes an officer or director of a corporation or of an unincorporated organization and an agent acting for his principal on a substantially full-time basis;

(*d*) "employer" means, in relation to an employee, the person, partnership, firm, association, institution or other unincorporated organization or corporation, wherever incorporated, carrying on business or established in Ontario, from whom the employee receives his remuneration, and includes,

(i) the successors or assigns of the employer, and

(ii) Her Majesty in right of Ontario, an agent of Her Majesty, a municipality as defined in *The Department of Municipal Affairs Act*, and a metropolitan municipality and the local boards thereof; R.S.O. 1960, c. 98

(*e*) "life annuity" means an annuity that continues for the duration of the life of the annuitant, whether or not it is thereafter continued to some other person, and "deferred life annuity" means a life annuity that commences at retirement age under a pension plan, but in any event not later than age seventy years;

(*f*) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;

(*g*) "pension benefit" means the aggregate annual, monthly or other periodic amounts to which an employee will become entitled upon retirement or to which any other person is entitled by virtue of his death after retirement under a pension plan, and "pension benefit credit" means the value at a particular time of the pension benefits and any other benefits provided under the pension plan to which an employee has become entitled;

(*h*) "pension plan" means a superannuation or pension fund or plan organized and administered to provide a pension benefit for employees, and includes,

(i) a unit benefit plan under which pension benefits are determined with reference to remuneration of an employee for each year of service, or for a selected number of years of service,

(ii) a money purchase plan under which pension benefits are determined at the retirement of an employee with reference to the accumulated amount of the aggregate contributions paid by or for the credit of the employee,

(iii) a flat benefit plan under which the pension benefits are expressed either as a fixed amount in respect of each year of employment or as a fixed periodic amount, and

(iv) a deferred profit sharing pension plan other than a profit sharing plan as defined in sections 52 and 53*a* of *The Corporations Tax Act*;

R.S.O. 1960, c. 73

(*i*) "qualification date" means, in respect of employment in Ontario, the 1st day of January, 1965, and, in respect of employment in a designated province,

Clause *g*. This clause has been amended to include survivor pensions within the definition of "pension benefit".

Clause *n*. Supplemental pension plans are required to be registered with the Commission under the provisions of section 18 (3).

the date upon which, under the law of such province, a pension plan is required to maintain its qualification for registration;

(*j*) "registered pension plan" means a pension plan that is registered with and certified by the Commission as a plan organized and administered in accordance with this Act;

(*k*) "regulations" means the regulations made under this Act;

(*l*) "service for a continuous period" means service for a period of time without regard to periods of temporary suspension of employment;

(*m*) "Superintendent" means the Superintendent of Pensions;

(*n*) "supplemental pension plan" includes a pension plan established for employees whose membership in another pension plan is a condition precedent to membership in the supplemental pension plan;

(*o*) "voluntary additional contribution" means an additional contribution by an employee to or under a pension plan except a contribution the payment of which, under the terms of the plan, imposes upon the employer an obligation to make a concurrent additional contribution to or under the plan. 1962-63, c. 103, s. 1; 1964, c. 88, s. 1, *amended*.

Province in which person deemed employed

(2) For the purposes of this Act, a person shall be deemed to be employed in the province in which the establishment of his employer to which he reports for work is situated, and, where the employee is not required to report for work at any establishment of his employer, he shall be deemed to be employed in the province in which the establishment of his employer from which his remuneration is paid is situated. *New*.

Conflict

(3) In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails. 1962-63, c. 103, s. 12.

Pension Commission continued

2.—(1) The Pension Commission of Ontario is continued and shall be composed of not fewer than five and not more than nine members as the Lieutenant Governor in Council from time to time determines. 1962-63, c. 103, s. 2 (1), *amended*.

Appointments

(2) The Lieutenant Governor in Council shall appoint the chairman, the vice-chairman and the other members of the Commission, each of whom shall hold office for a term of three years, except that, of those first appointed, one-third, or as nearly as may be, shall be appointed for a term of one year, one-third, or as nearly as may be, for a term of two years, and the remainder for a term of three years.

Re-appointment

(3) Every member of the Commission is eligible for re-appointment upon the completion of his term of office. 1962-63, c. 103, s. 2 (2, 3).

Acting chairman

3. In the event of the absence of the chairman and the vice-chairman, such member of the Commission as the members of the Commission designate for the purpose shall act as and have the powers of the chairman. 1962-63, c. 103, s. 3.

Vacancies

4. The Lieutenant Governor in Council may fill any vacancy that occurs from time to time in the membership of the Commission. 1962-63, c. 103, s. 4.

Quorum

5. One-half or more of the members of the Commission constitute a quorum, whether or not a vacancy exists in the membership of the Commission. 1962-63, c. 103, s. 5.

Administrative divisions

6. The Commission may establish such administrative divisions as appear to be appropriate from time to time. 1962-63, c. 103, 8 (2).

Superintendent of Pensions

7.—(1) The Commission shall appoint the Superintendent of Pensions who shall be the chief administrative officer of the Commission. 1962-63, c. 103, s. 8 (1).

Inspection

(2) The Superintendent or his duly authorized representative may, at any reasonable time,

(*a*) inspect the books, files, documents and other records respecting a pension plan kept by an employer, an insurer, a trustee of the pension plan or any other person; and

(*b*) require any employer, insurer, trustee of a pension plan or other person to furnish, in a form acceptable to the Commission, such information as the Commission deems necessary for the purpose of ascertaining whether this Act and the regulations have been or are being complied with. 1962-63, c. 103, s. 22 (4).

Staff

8.—(1) The Commission may appoint such officers, clerks, servants and other members of its staff as it deems appropriate. *New.*

(2) The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, salary ranges and the terms and conditions of employment of the members of its staff. Terms of employment

(3) *The Public Service Superannuation Act* applies to the permanent members of the staff of the Commission and to those members of the Commission designated by the Lieutenant Governor in Council. R.S.O. 1960, c. 332, applicable

(4) Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*. 1962-63, c. 103, s. 6. Security R.S.O. 1960, c. 326

9. No member of the Commission and no employee thereof is personally liable for anything done by it or him in good faith under the authority of this Act or the regulations. 1962-63, c. 103, s. 23 (2). Liability of members and employees of Commission

10.—(1) It is the function of the Commission and it has power, Functions and powers of Commission

(*a*) to promote the establishment, extension and improvement of pension plans throughout Ontario;

(*b*) to accept for registration all pension plans required to be registered or filed for registration with the Commission under this Act, and to reject any pension plan that does not qualify for registration;

(*c*) to administer and enforce this Act, and to cancel pension plan certificates of registration issued in respect of pension plans that,

(i) fail to meet the tests for solvency prescribed by the regulations, or

(ii) otherwise cease to qualify for registration under this Act;

(*d*) to conduct surveys and research programmes and to obtain statistics for the purposes of the Commission;

(*e*) to assess, collect and retain for the purposes of the Commission fees for the registration and annual supervision of pension plans;

(*f*) to perform such other functions and discharge such other duties as are assigned to it from time to time by the Lieutenant Governor in Council.

Reciprocal agreements

(2) The Commission may, subject to the approval of the Lieutenant Governor in Council,

(*a*) enter into agreements with the authorized representatives of a designated province or the Government of Canada to provide for the reciprocal registration, audit and inspection of pension plans and for the establishment of a Canadian association of pension commissions;

(*b*) authorize a Canadian association of pension commissions to carry out such duties on behalf of the Commission as the Commission may require;

(*c*) delegate to the pension commission or to the government of a designated province such functions and powers under this Act as the Commission may determine. 1962-63, c. 103, s. 7, *amended.*

Appropriations

11. The moneys required for the purposes of the Commission, in addition to the fees and charges assessed under clause *e* of subsection 1 of section 10 and the fines imposed under section 26, shall be paid out of the moneys appropriated therefor by the Legislature. 1962-63, c. 103, s. 9, *amended.*

Audit

12. The accounts and financial transactions of the Commission shall be examined annually by the Provincial Auditor. 1962-63, c. 103, s. 10.

Annual report

13.—(1) The Commission shall make an annual report of the affairs of the Commission to the Minister. 1962-63, c. 103, s. 11 (1).

Tabling

(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1962-63, c. 103, s. 11 (3), *amended.*

Actions for deducting sums

14. No action lies against any person for withholding, deducting, paying or crediting any sum of money in compliance or intended compliance with this Act. 1962-63, c. 103, s. 22 (5).

Agreements void

15. Where this Act requires an amount to be deducted, withheld, paid or credited, an agreement by the person on whom that obligation is imposed not to deduct, withhold, pay or credit such amount is void. 1962-63, c. 103, s. 22 (6).

SECTION 10, Subsection 2—Clause *b*. The Commission may authorize a Canadian association of pension commissions to undertake such continual consultations as may be required among the provinces to maintain a close liaison in administration and in policy determination.

Clause *c*. The Commission may, subject to order in council, delegate to another pension commission registration and review functions in the case of plans maintained by employers the majority of whose employees are employed in such other province. It is contemplated that the extent of the delegation would be settled by interprovincial agreement. Such agreement would be confirmed by order in council.

SECTION 17. This section incorporates the provisions of section 63 of *The Conveyancing and Law of Property Act*, R.S.O. 1960, c. 66.

SECTION 18. This section relieves employers of the liability that would be imposed in the case of union or fraternal plans that are controlled by the union or fraternal membership. The former Act required such plans to meet the conditions for registration.

16. The Lieutenant Governor in Council may establish or designate an agency for the purposes, among others, of receiving, holding and disbursing pension benefit credits under this Act. 1962-63, c. 103, s. 13, *amended*. Pension agency

17.—(1) In this section, Interpretation

(*a*) "employee" means an employee or former employee who is a member of a pension plan; and

(*b*) "employer" includes the trustee or insurer under a pension plan.

(2) Where in accordance with the terms of a pension plan an employee has designated a person or persons to receive a benefit payable under the plan in the event of the employee's death, Appointments of beneficiaries under a pension plan validated

(*a*) the employer's liability to provide the benefit is discharged upon payment to such person or persons of the amount of the benefit;

(*b*) such person or persons may upon the death of the employee enforce payment of the benefit, but the employer is entitled to set up any defence that he could have set up against the employee or his personal representatives.

(3) An employee may from time to time alter or revoke a designation made under a pension plan, but any such alteration or revocation may be made only in the manner set forth in the plan. Change of designation

(4) This section does not apply to a designation of a beneficiary to which *The Insurance Act* applies. *New.* Application of R.S.O. 1960, c. 190

18.—(1) Every employer of employees in Ontario covered by a pension plan established before the 1st day of January, 1965, shall, unless under the terms of the plan the employer is not required to make contributions to or under the plan, Registration of pension plans established before Jan. 1, 1965

(*a*) file a copy of such pension plan with the Commission for registration on or before the 1st day of January, 1965, or as soon thereafter as the Commission requires; and

(*b*) while such plan remains in force, maintain its qualification for registration as required by this Act.

Pension plans established on or after Jan. 1, 1965

(2) Every employer who establishes a pension plan for employees in Ontario on or after the 1st day of January, 1965, shall, unless under the terms of the plan the employer is not required to make contributions to or under the plan,

(*a*) file a copy of the pension plan with the Commission for registration within sixty days after the establishment of the plan; and

(*b*) while the plan is in force, maintain its qualification for registration as required by this Act.

Supplemental plan included

(3) Notwithstanding subsections 1 and 2, a pension plan required to be registered shall be deemed to include a supplemental pension plan established by the employer under the terms of which the employer is not required to make contributions.

Annual returns

(4) Commencing in the year 1966, every employer of employees in Ontario covered by a pension plan shall file with the Commission annually an information return as prescribed by the regulations in respect of every pension plan administered by or on behalf of the employer or the employees. 1964, c. 88, s. 2, *part, amended.*

Acceptance of plans for registration

19. The Commission shall accept for registration and issue its certificate in respect of each pension plan filed for registration under section 18 that in the opinion of the Commission is a pension plan organized and administered in accordance with this Act. 1964, c. 88, s. 2, *part, amended.*

Procedure upon refusal to register

20. After a pension plan is filed with the Commission for registration, the Superintendent shall advise the Commission in writing of his opinion as to whether or not the plan is organized and administered in accordance with this Act, and no penalty shall be imposed upon an employer under this Act for failure to register a pension plan until the written opinion of the Superintendent has been received by the Commission and the Commission has notified the employer of its decision concerning registration of the plan by registered mail and sixty days have elapsed thereafter. 1962-63, c. 103, s. 16, *amended.*

Vesting and locking-in requirement

21.—(1) A pension plan filed for registration in accordance with section 18 shall contractually provide that,

(*a*) a member of the plan who has been in the service of the employer for a continuous period of ten years, or has been a member of the plan for such period, whichever shall first occur, and who has attained the

SECTION 20. This amendment conforms to section 23 as amended.

SECTION 21, Subsection 1—Clause *a*. This amendment is intended to make it clear that the qualification for vesting is based upon ten years' service within or outside Ontario with the same employer or as a member of the plan. The reference to membership in the plan for a continuous period of ten years is intended to cover employees employed by several employers while participating in an industry pension plan.

The amount of the vested benefit is based upon qualified service in Ontario and in all designated provinces, provided that the accrual of vested benefits commences on the qualification date with respect to service in each province.

The continuous period of employment is not broken if an employee moves out of Ontario. The qualification for benefit period commences in the case of an employee hired outside Ontario at the date of hiring. The vested pension is provided regardless of the place of termination of employment.

age of forty-five years, is entitled, upon termination of his employment prior to his attaining retirement age, or upon termination of his membership in the plan prior to his attaining retirement age, to a deferred life annuity commencing at his normal retirement age equal to the pension benefits (except pension benefits provided by voluntary additional contributions) provided in respect of service as an employee in Ontario or in a designated province,

(i) under the terms of the plan in respect of service on or after the qualification date,

(ii) by an amendment to the terms of the plan made on or after the qualification date, or

(iii) by the creation of a new pension plan on or after the qualification date;

(*b*) both the pension benefits provided under the terms of the plan and the deferred life annuity prescribed by this section are not capable of assignment or alienation and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the pension benefits or the deferred life annuity capable of being assigned or otherwise alienated;

(*c*) upon termination of his employment or upon termination of his membership in the plan, a member of the plan who is entitled to a deferred life annuity under clause *a* is not entitled to withdraw any part of his contributions to or under the plan, except voluntary additional contributions, in respect of service in Ontario or in a designated province on or after the qualification date, and such contributions shall be applied under the terms of the plan toward the provision of the deferred life annuity required to be provided to the employee under clause *a*.

(2) Notwithstanding any provision of a pension plan, No surrender or commutation

(*a*) the deferred life annuity prescribed by subsection 1 is not capable of surrender or commutation during the lifetime of the employee and does not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the deferred annuity capable of being surrendered or commuted during the lifetime of the employee;

(*b*) the pension benefits provided under the terms of the plan in respect of service after the qualification date are not, on or after the date of retirement of an employee, capable of surrender or commutation during his lifetime and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in such pension benefits capable of being surrendered or commuted during the lifetime of the employee.

Exception, small annuities

(3) Notwithstanding subsections 1 and 2, a pension plan may provide for,

(*a*) vesting or locking in at an earlier age than forty-five years or upon service or membership in the plan for less than ten years, or for both; and

(*b*) payment to an employee of an amount equal to the commuted value of the deferred life annuity or pension benefit to which the employee is entitled if the amount thereof payable to the employee at normal retirement age is less than $10 a month payable during his lifetime.

partial commutation

(4) Notwithstanding subsections 1 and 2, where a pension plan so provides, an employee may receive in partial discharge of his rights under the plan as a lump sum, upon or after termination of employment or membership in the plan prior to his attaining normal retirement age as defined by the plan, an amount that in total does not exceed 25 per cent of the commuted value of the deferred life annuity prescribed by subsection 1. 1964, c. 88, s. 4, *part*, *amended*.

alternative settlements

(5) If a pension plan so provides, a person who is entitled to a deferred life annuity under subsection 1 may, before the commencement of payment of such life annuity, elect to receive,

(*a*) a deferred life annuity the amount of which is reduced or increased by reason of early or deferred retirement, by provision for the payment of an optional annuity to a survivor or to the estate of the employee, or by variation of the terms of payment of such annuity to any person after the employee's death; and

(*b*) a payment or series of payments by reason of a mental or physical disability as prescribed by the regulations,

partly or wholly in lieu of the deferred life annuity described by subsection 1.

Clause *b*. Pension benefits arising after the qualification date are not capable of surrender or commutation at or after retirement. This provision is not retroactive.

Subsection 3. A pension or deferred pension amounting to less than $10 a month on a life only basis may be commuted for a lump sum.

Subsection 4. This amendment will permit an employee to elect to receive a lump sum in partial settlement, at any time after termination prior to retirement, if the plan so provides.

Subsection 5. This subsection permits the form of the pension settlement to be varied at the employee's option or in a case of disability.

Subsection 6. The annuity may be varied to co-ordinate with old age security benefits or other government pension.

Subsection 7. This subsection preserves the vested deferred pensions of employees in the event of winding-up of the pension plan.

integration with government pension

(6) If a pension plan so provides, an employee may, on or before attaining normal retirement age as defined by the plan, elect to receive an annuity the amount of which is varied by reference to benefits payable under the *Old Age Security Act* (Canada) or under any other pension plan administered by the Government of Canada or by the government of a province of Canada.

R.S.C. 1952, c. 200

winding-up of plan

(7) Upon the termination or winding-up of a pension plan, all contributions by an employer and an employee made after the qualification date in respect of the deferred life annuity prescribed by subsection 1 shall be applied under the terms of the plan,

(*a*) in the case of a former employee, toward the provision of the deferred life annuity to which he was entitled at the date of termination of his employment; and

(*b*) in the case of an employee, toward the provision of the deferred life annuity to which he would be entitled if he ceased to be an employee upon the date of termination or winding-up of the plan.

Contribution and benefit formulae

(8) A pension plan filed for registration in accordance with section 18 shall provide for contributions and benefits calculated in accordance with a formula prescribed by the regulations. *New.*

Funding and solvency requirement of plans

22.—(1) A pension plan filed for registration in accordance with section 18 shall contractually provide for,

(*a*) funding, in accordance with the tests for solvency prescribed by the regulations, that is adequate to provide for payment of all pension benefits, deferred life annuities and other benefits required to be paid under the terms of the plan;

(*b*) a written explanation to each member of the plan of the terms and conditions of the plan and amendments thereto applicable to him, together with an explanation of the rights and duties of the employee with reference to the benefits available to him under the terms of the plan and such other information as may be prescribed by the regulations; and

(*c*) investment of pension fund moneys in the securities and loans prescribed by the regulations. 1962-63, c. 103, s. 19; 1964, c. 88, s. 5, *amended*.

Winding-up of plan

(2) Upon the termination or winding-up of a pension plan filed for registration as required by section 18, the employer is liable to pay all amounts that would otherwise have been required to be paid to meet the tests for solvency prescribed by the regulations, up to the date of such termination or winding-up, to the insurer, administrator or trustee of the pension plan.

No reduction of present benefits because of C.P.P. 1965, c. .... (Can.)

(3) No amendment of a pension plan consequent upon the coming into force of the *Canada Pension Plan* shall adversely affect the pension benefit credits of any member in respect of remuneration and service or membership in the plan prior to the 1st day of January, 1966. *New.*

Notice of objection

23.—(1) Where the Commission refuses to accept for registration a pension plan filed for registration under this Act, or cancels a certificate of registration, the employer may, within sixty days of the day of mailing of a notification of refusal or cancellation of registration, serve on the Commission a notice of objection in duplicate in the prescribed form, setting out the reasons for the objection and all relevant facts. 1962-63, c. 103, s. 24 (1), *amended.*

Service

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Commission at Toronto.

Review by Commission

(3) Upon receipt of a notice of objection, the Commission shall with all due despatch reconsider its opinion, and vary or confirm its opinion, and it shall thereupon notify the employer of its actions by registered mail. 1962-63, c. 103, s. 24 (2, 3).

Appeal to Court of Appeal

24.—(1) Where an employer has served a notice of objection under section 23, he may appeal to the Court of Appeal for an order requiring the Commission to accept the pension plan for registration under this Act,

(*a*) within ninety days after the Commission has confirmed its opinion that the pension plan is not acceptable for registration; or

(*b*) after ninety days and before 180 days have elapsed after service of the notice of objection and the Commission has not notified the employer that it has confirmed or varied its opinion.

Filing of notice of appeal

(2) An appeal to the Court shall be instituted by filing with the Registrar of the Court or by sending by registered mail addressed to him at Toronto three copies of a notice of appeal in such form as is determined by the rules of the Court.

SECTION 22—Subsection 2. Upon winding-up, the employer must pay all amounts due to the plan in respect of the period up to the winding-up date.

Subsection 3. This new subsection protects the existing pension rights of employees where a plan is amended because of the *Canada Pension Plan*.

SECTION 23—Subsection 1. This amendment extends the right of appeal to cases of cancellation of registration of pension plans.

(3) Upon receipt of the copies of the notice of appeal, the Registrar shall transmit two copies to the Superintendent. Transmission to Superintendent

(4) Immediately after receiving a copy of the notice of appeal, the Superintendent shall forward to the Registrar copies of all documents relevant to the appeal. Transmission of material

(5) An appeal may, in the discretion of the Court, be heard *in camera* or in public, unless the appellant requests that it be heard *in camera*, in which case it shall be so heard. Hearings *in camera*

(6) The Court may dispose of an appeal by dismissing it, by referring the matters in issue back to the Commission for reconsideration, or by allowing the appeal. Disposition of appeals

(7) Where the Court allows an appeal under this section, the Commission shall accept the pension plan for registration in accordance with the direction of the Court, which may include conditions precedent to qualification for registration of the plan imposed upon the appellant. 1962-63, c. 103, ss. 25-28. Executing decision of Court

25. The Lieutenant Governor in Council may make regulations, Regulations

(*a*) respecting methods of computing pension benefit credits and pension benefits and the commuted value of a deferred life annuity;

(*b*) respecting the variation of pension benefits and deferred life annuities by reference to pensions payable under the *Old Age Security Act* (Canada) or under any other pension plan administered by the Government of Canada or by the government of a province of Canada; R.S.C. 1952, c. 200

(*c*) prescribing the classes of investments and loans, both qualitative and quantitative, in which pension fund moneys heretofore or hereafter accumulated may be invested, and governing the making of such investments and loans;

(*d*) prescribing tests and standards for solvency of pension plans;

(*e*) prescribing the conditions under which, upon termination of employment of an employee, upon termination of an employee's membership in a pension plan or upon the termination or winding-up of a pension plan, pension benefit credits may be held in trust

by the administrator, insurer or trustee of the pension plan, or transferred to the administrator, insurer or trustee of another pension plan or to a registered retirement savings plan or to the agency described in section 16;

(*f*) designating employees or pension plans, or any class thereof, that are excepted from the application of the Act and the regulations;

(*g*) designating any province or territory of Canada as a province or territory, as the case may be, in which there is in force legislation substantially similar to this Act;

(*h*) prescribing mental or physical disability for the purpose of clause *b* of subsection 5 of section 21;

(*i*) providing for, regulating and governing the disposition of the assets of a pension plan that is discontinued, terminated or wound up;

(*j*) requiring the furnishing of information to the Commission in respect of pension plans;

(*k*) prescribing forms and providing for their use;

(*l*) prescribing fees for registration and the annual supervision of pension plans;

(*m*) prescribing approved contribution and benefit formulae in respect of pension plans required to be registered under this Act; and

(*n*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1962-63, c. 103, s. 20; 1964, c. 88, s. 6, *amended*.

Penalties

26.—(1) Every person who contravenes any provision of this Act or the regulations or who obstructs an officer or agent of the Commission in the performance of his duties is guilty of an offence and on summary conviction is liable to a fine of not less than $200 and not more than $10,000.

Idem

(2) Every employer who is convicted of an offence under subsection 1 shall pay to the insurer, trustee or administrator of the pension plan in respect of which the offence was com-

SECTION 26—Subsection 1. This section has been amended to repeal the penalty of imprisonment and to delete provisions that were originally designed to deal with standard pension plans under the original Pension Benefits Act.

mitted all amounts that the employer has wrongly failed to pay as required by this Act and the regulations. 1962-63, c. 103, s. 22 (1, 2), *amended.*

(3) Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. *New.* Idem

(4) The fines recovered for offences against this Act shall be paid to the Commission. 1962-63, c. 103, s. 22 (3), *amended.* Disposition of fines

27. *The Pension Benefits Act, 1962-63* and *The Pension Benefits Amendment Act, 1964* are repealed. 1962-63, c. 103; 1964, c. 88, repealed

28. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

29. This Act may be cited as *The Pension Benefits Act, 1965.* Short title

1st Reading

May 21st, 1965

2nd Reading

May 28th, 1965

3rd Reading

MR. ROBARTS

(*Reprinted as amended by the Committee of the Whole House*)

1965

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3RD SESSION, 27TH LEGISLATURE, ONTARIO
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The Pension Benefits Act, 1965

MR. ROBARTS

TORONTO
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BILL 157 **1965**

The Pension Benefits Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpretation

(*a*) "Commission" means the Pension Commission of Ontario;

(*b*) "designated province" means a province or territory of Canada that is designated by regulation as a province or territory in which there is in force legislation substantially similar to this Act;

(*c*) "employee" means an individual who performs service in Ontario or in a designated province for a continuous period of not less than six months under a contract of service or of apprenticeship, and includes an officer or director of a corporation or of an unincorporated organization and an agent acting for his principal on a substantially full-time basis;

(*d*) "employer" means, in relation to an employee, the person, partnership, firm, association, institution or other unincorporated organization or corporation, wherever incorporated, carrying on business or established in Ontario, from whom the employee receives his remuneration, and includes,

(i) the successors or assigns of the employer, and

(ii) Her Majesty in right of Ontario, an agent of Her Majesty, a municipality as defined in *The Department of Municipal Affairs Act*, and a metropolitan municipality and the local boards thereof; R.S.O. 1960, c. 98

(*e*) "life annuity" means an annuity that continues for the duration of the life of the annuitant, whether or not it is thereafter continued to some other person, and "deferred life annuity" means a life annuity that commences at retirement age under a pension plan, but in any event not later than age seventy years;

(*f*) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;

(*g*) "pension benefit" means the aggregate annual, monthly or other periodic amounts to which an employee will become entitled upon retirement or to which any other person is entitled by virtue of his death after retirement under a pension plan, and "pension benefit credit" means the value at a particular time of the pension benefits and any other benefits provided under the pension plan to which an employee has become entitled;

(*h*) "pension plan" means a superannuation or pension fund or plan organized and administered to provide a pension benefit for employees, and includes,

(i) a unit benefit plan under which pension benefits are determined with reference to remuneration of an employee for each year of service, or for a selected number of years of service,

(ii) a money purchase plan under which pension benefits are determined at the retirement of an employee with reference to the accumulated amount of the aggregate contributions paid by or for the credit of the employee,

(iii) a flat benefit plan under which the pension benefits are expressed either as a fixed amount in respect of each year of employment or as a fixed periodic amount, and

(iv) a deferred profit sharing pension plan other than a profit sharing plan as defined in sections 52 and 53*a* of *The Corporations Tax Act*;

R.S.O. 1960, c. 73

(*i*) "qualification date" means, in respect of employment in Ontario, the 1st day of January, 1965, and, in respect of employment in a designated province,

the date upon which, under the law of such province, a pension plan is required to maintain its qualification for registration;

(*j*) "registered pension plan" means a pension plan that is registered with and certified by the Commission as a plan organized and administered in accordance with this Act;

(*k*) "regulations" means the regulations made under this Act;

(*l*) "service for a continuous period" means service for a period of time without regard to periods of temporary suspension of employment;

(*m*) "Superintendent" means the Superintendent of Pensions;

(*n*) "supplemental pension plan" includes a pension plan established for employees whose membership in another pension plan is a condition precedent to membership in the supplemental pension plan;

(*o*) "voluntary additional contribution" means an additional contribution by an employee to or under a pension plan except a contribution the payment of which, under the terms of the plan, imposes upon the employer an obligation to make a concurrent additional contribution to or under the plan. 1962-63, c. 103, s. 1; 1964, c. 88, s. 1, *amended*.

Province in which person deemed employed

(2) For the purposes of this Act, a person shall be deemed to be employed in the province in which the establishment of his employer to which he reports for work is situated, and, where the employee is not required to report for work at any establishment of his employer, he shall be deemed to be employed in the province in which the establishment of his employer from which his remuneration is paid is situated. *New*.

Conflict

(3) In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails. 1962-63, c. 103, s. 12.

Pension Commission continued

2.—(1) The Pension Commission of Ontario is continued and shall be composed of not fewer than five and not more than nine members as the Lieutenant Governor in Council from time to time determines. 1962-63, c. 103, s. 2 (1), *amended*.

Appointments

(2) The Lieutenant Governor in Council shall appoint the chairman, the vice-chairman and the other members of the Commission, each of whom shall hold office for a term of three years, except that, of those first appointed, one-third, or as nearly as may be, shall be appointed for a term of one year, one-third, or as nearly as may be, for a term of two years, and the remainder for a term of three years.

Re-appointment

(3) Every member of the Commission is eligible for re-appointment upon the completion of his term of office. 1962-63, c. 103, s. 2 (2, 3).

Acting chairman

3. In the event of the absence of the chairman and the vice-chairman, such member of the Commission as the members of the Commission designate for the purpose shall act as and have the powers of the chairman. 1962-63, c. 103, s. 3.

Vacancies

4. The Lieutenant Governor in Council may fill any vacancy that occurs from time to time in the membership of the Commission. 1962-63, c. 103, s. 4.

Quorum

5. One-half or more of the members of the Commission constitute a quorum, whether or not a vacancy exists in the membership of the Commission. 1962-63, c. 103, s. 5.

Administrative divisions

6. The Commission may establish such administrative divisions as appear to be appropriate from time to time. 1962-63, c. 103, 8 (2).

Superintendent of Pensions

7.—(1) The Commission shall appoint the Superintendent of Pensions who shall be the chief administrative officer of the Commission. 1962-63, c. 103, s. 8 (1).

Inspection

(2) The Superintendent or his duly authorized representative may, at any reasonable time,

(*a*) inspect the books, files, documents and other records respecting a pension plan kept by an employer, an insurer, a trustee of the pension plan or any other person; and

(*b*) require any employer, insurer, trustee of a pension plan or other person to furnish, in a form acceptable to the Commission, such information as the Commission deems necessary for the purpose of ascertaining whether this Act and the regulations have been or are being complied with. 1962-63, c. 103, s. 22 (4).

Staff

8.—(1) The Commission may appoint such officers, clerks, servants and other members of its staff as it deems appropriate. *New.*

(2) The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, salary ranges and the terms and conditions of employment of the members of its staff. Terms of employment

(3) *The Public Service Superannuation Act* applies to the permanent members of the staff of the Commission and to those members of the Commission designated by the Lieutenant Governor in Council. R.S.O. 1960, c. 332, applicable

(4) Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*. 1962-63, c. 103, s. 6. Security R.S.O. 1960, c. 326

9. No member of the Commission and no employee thereof is personally liable for anything done by it or him in good faith under the authority of this Act or the regulations. 1962-63, c. 103, s. 23 (2). Liability of members and employees of Commission

10.—(1) It is the function of the Commission and it has power, Functions and powers of Commission

(*a*) to promote the establishment, extension and improvement of pension plans throughout Ontario;

(*b*) to accept for registration all pension plans required to be registered or filed for registration with the Commission under this Act, and to reject any pension plan that does not qualify for registration;

(*c*) to administer and enforce this Act, and to cancel pension plan certificates of registration issued in respect of pension plans that,

(i) fail to meet the tests for solvency prescribed by the reuglations, or

(ii) otherwise cease to qualify for registration under this Act;

(*d*) to conduct surveys and research programmes and to obtain statistics for the purposes of the Commission;

(*e*) to assess, collect and retain for the purposes of the Commission fees for the registration and annual supervision of pension plans;

(*f*) to perform such other functions and discharge such other duties as are assigned to it from time to time by the Lieutenant Governor in Council.

Reciprocal agreements

(2) The Commission may, subject to the approval of the Lieutenant Governor in Council,

(*a*) enter into agreements with the authorized representatives of a designated province or the Government of Canada to provide for the reciprocal registration, audit and inspection of pension plans and for the establishment of a Canadian association of pension commissions;

(*b*) authorize a Canadian association of pension commissions to carry out such duties on behalf of the Commission as the Commission may require;

(*c*) delegate to the pension commission or to the government of a designated province such functions and powers under this Act as the Commission may determine. 1962-63, c. 103, s. 7, *amended.*

Appropriations

11. The moneys required for the purposes of the Commission, in addition to the fees and charges assessed under clause *e* of subsection 1 of section 10 and the fines imposed under section 26, shall be paid out of the moneys appropriated therefor by the Legislature. 1962-63, c. 103, s. 9, *amended.*

Audit

12. The accounts and financial transactions of the Commission shall be examined annually by the Provincial Auditor. 1962-63, c. 103, s. 10.

Annual report

13.—(1) The Commission shall make an annual report of the affairs of the Commission to the Minister. 1962-63, c. 103, s. 11 (1).

Tabling

(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1962-63, c. 103, s. 11 (3), *amended.*

Actions for deducting sums

14. No action lies against any person for withholding, deducting, paying or crediting any sum of money in compliance or intended compliance with this Act. 1962-63, c. 103, s. 22 (5).

Agreements void

15. Where this Act requires an amount to be deducted, withheld, paid or credited, an agreement by the person on whom that obligation is imposed not to deduct, withhold, pay or credit such amount is void. 1962-63, c. 103, s. 22 (6).

16. The Lieutenant Governor in Council may establish or designate an agency for the purposes, among others, of receiving, holding and disbursing pension benefit credits under this Act. 1962-63, c. 103, s. 13, *amended*. Pension agency

17.—(1) In this section, Interpretation

(*a*) "employee" means an employee or former employee who is a member of a pension plan; and

(*b*) "employer" includes the trustee or insurer under a pension plan.

(2) Where in accordance with the terms of a pension plan an employee has designated a person or persons to receive a benefit payable under the plan in the event of the employee's death, Appointments of beneficiaries under a pension plan validated

(*a*) the employer's liability to provide the benefit is discharged upon payment to such person or persons of the amount of the benefit;

(*b*) such person or persons may upon the death of the employee enforce payment of the benefit, but the employer is entitled to set up any defence that he could have set up against the employee or his personal representatives.

(3) An employee may from time to time alter or revoke a designation made under a pension plan, but any such alteration or revocation may be made only in the manner set forth in the plan. Change of designation

(4) This section does not apply to a designation of a beneficiary to which *The Insurance Act* applies. *New*. Application of R.S.O. 1960, c. 190

18.—(1) Every employer of employees in Ontario covered by a pension plan established before the 1st day of January, 1965, shall, unless under the terms of the plan the employer is not required to make contributions to or under the plan, Registration of pension plans established before Jan. 1, 1965

(*a*) file a copy of such pension plan with the Commission for registration on or before the 1st day of January, 1965, or as soon thereafter as the Commission requires; and

(*b*) while such plan remains in force, maintain its qualification for registration as required by this Act.

Pension plans established on or after Jan. 1, 1965

(2) Every employer who establishes a pension plan for employees in Ontario on or after the 1st day of January, 1965, shall, unless under the terms of the plan the employer is not required to make contributions to or under the plan,

(*a*) file a copy of the pension plan with the Commission for registration within sixty days after the establishment of the plan; and

(*b*) while the plan is in force, maintain its qualification for registration as required by this Act.

Supplemental plan included

(3) Notwithstanding subsections 1 and 2, a pension plan required to be registered shall be deemed to include a supplemental pension plan established by the employer under the terms of which the employer is not required to make contributions.

Annual returns

(4) Commencing in the year 1966, every employer of employees in Ontario covered by a pension plan shall file with the Commission annually an information return as prescribed by the regulations in respect of every pension plan administered by or on behalf of the employer or the employees. 1964, c. 88, s. 2, *part, amended.*

Acceptance of plans for registration

19. The Commission shall accept for registration and issue its certificate in respect of each pension plan filed for registration under section 18 that in the opinion of the Commission is a pension plan organized and administered in accordance with this Act. 1964, c. 88, s. 2, *part, amended.*

Procedure upon refusal to register

20. After a pension plan is filed with the Commission for registration, the Superintendent shall advise the Commission in writing of his opinion as to whether or not the plan is organized and administered in accordance with this Act, and no penalty shall be imposed upon an employer under this Act for failure to register a pension plan until the written opinion of the Superintendent has been received by the Commission and the Commission has notified the employer of its decision concerning registration of the plan by registered mail and sixty days have elapsed thereafter. 1962-63, c. 103, s. 16, *amended.*

Vesting and locking-in requirement

21.—(1) A pension plan filed for registration in accordance with section 18 shall contractually provide that,

(*a*) a member of the plan who has been in the service of the employer for a continuous period of ten years, or has been a member of the plan for such period, whichever shall first occur, and who has attained the

age of forty-five years, is entitled, upon termination of his employment prior to his attaining retirement age, or upon termination of his membership in the plan prior to his attaining retirement age, to a deferred life annuity commencing at his normal retirement age equal to the pension benefits (except pension benefits provided by voluntary additional contributions) provided in respect of service as an employee in Ontario or in a designated province,

(i) under the terms of the plan in respect of service on or after the qualification date,

(ii) by an amendment to the terms of the plan made on or after the qualification date, or

(iii) by the creation of a new pension plan on or after the qualification date;

(*b*) both the pension benefits provided under the terms of the plan and the deferred life annuity prescribed by this section are not capable of assignment or alienation and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the pension benefits or the deferred life annuity capable of being assigned or otherwise alienated;

(*c*) upon termination of his employment or upon termination of his membership in the plan, a member of the plan who is entitled to a deferred life annuity under clause *a* is not entitled to withdraw any part of his contributions to or under the plan, except voluntary additional contributions, in respect of service in Ontario or in a designated province on or after the qualification date, and such contributions shall be applied under the terms of the plan toward the provision of the deferred life annuity required to be provided to the employee under clause *a*.

(2) Notwithstanding any provision of a pension plan, No surrender or commutation

(*a*) the deferred life annuity prescribed by subsection 1 is not capable of surrender or commutation during the lifetime of the employee and does not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the deferred annuity capable of being surrendered or commuted during the lifetime of the employee;

(*b*) the pension benefits provided under the terms of the plan in respect of service after the qualification date are not, on or after the date of retirement of an employee, capable of surrender or commutation during his lifetime and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in such pension benefits capable of being surrendered or commuted during the lifetime of the employee.

Exception, small annuities

(3) Notwithstanding subsections 1 and 2, a pension plan may provide for,

(*a*) vesting or locking in at an earlier age than forty-five years or upon service or membership in the plan for less than ten years, or for both; and

(*b*) payment to an employee of an amount equal to the commuted value of the deferred life annuity or pension benefit to which the employee is entitled if the amount thereof payable to the employee at normal retirement age is less than $10 a month payable during his lifetime.

partial commutation

(4) Notwithstanding subsections 1 and 2, where a pension plan so provides, an employee may receive in partial discharge of his rights under the plan as a lump sum, upon or after termination of employment or membership in the plan prior to his attaining normal retirement age as defined by the plan, an amount that in total does not exceed 25 per cent of the commuted value of the deferred life annuity prescribed by subsection 1. 1964, c. 88, s. 4, *part, amended*.

alternative settlements

(5) If a pension plan so provides, a person who is entitled to a deferred life annuity under subsection 1 may, before the commencement of payment of such life annuity, elect to receive,

(*a*) a deferred life annuity the amount of which is reduced or increased by reason of early or deferred retirement, by provision for the payment of an optional annuity to a survivor or to the estate of the employee, or by variation of the terms of payment of such annuity to any person after the employee's death; and

(*b*) a payment or series of payments by reason of a mental or physical disability as prescribed by the regulations,

partly or wholly in lieu of the deferred life annuity described by subsection 1.

(6) If a pension plan so provides, an employee may, on or before attaining normal retirement age as defined by the plan, elect to receive an annuity the amount of which is varied by reference to benefits payable under the *Old Age Security Act* (Canada) or under any other pension plan administered by the Government of Canada or by the government of a province of Canada. integration with government pension R.S.C. 1952, c. 200

(7) Upon the termination or winding-up of a pension plan, all contributions by an employer and an employee made after the qualification date in respect of the deferred life annuity prescribed by subsection 1 shall be applied under the terms of the plan, winding-up of plan

(*a*) in the case of a former employee, toward the provision of the deferred life annuity to which he was entitled at the date of termination of his employment; and

(*b*) in the case of an employee, toward the provision of the deferred life annuity to which he would be entitled if he ceased to be an employee upon the date of termination or winding-up of the plan.

(8) A pension plan filed for registration in accordance with section 18 shall provide for contributions and benefits calculated in accordance with a formula prescribed by the regulations. *New.* Contribution and benefit formulae

22.—(1) A pension plan filed for registration in accordance with section 18 shall contractually provide for, Funding and solvency requirement of plans

(*a*) funding, in accordance with the tests for solvency prescribed by the regulations, that is adequate to provide for payment of all pension benefits, deferred life annuities and other benefits required to be paid under the terms of the plan;

(*b*) a written explanation to each member of the plan of the terms and conditions of the plan and amendments thereto applicable to him, together with an explanation of the rights and duties of the employee with reference to the benefits available to him under the terms of the plan and such other information as may be prescribed by the regulations; and

(*c*) investment of pension fund moneys in the securities and loans prescribed by the regulations. 1962-63, c. 103, s. 19; 1964, c. 88, s. 5, *amended.*

Winding-up of plan

(2) Upon the termination or winding-up of a pension plan filed for registration as required by section 18, the employer is liable to pay all amounts that would otherwise have been required to be paid to meet the tests for solvency prescribed by the regulations, up to the date of such termination or winding-up, to the insurer, administrator or trustee of the pension plan.

No reduction of present benefits because of C.P.P. 1965, c. .... (Can.)

(3) No amendment of a pension plan consequent upon the coming into force of the *Canada Pension Plan* shall adversely affect the pension benefit credits of any member in respect of remuneration and service or membership in the plan prior to the 1st day of January, 1966. *New.*

Notice of objection

23.—(1) Where the Commission refuses to accept for registration a pension plan filed for registration under this Act, or cancels a certificate of registration, the employer may, within sixty days of the day of mailing of a notification of refusal or cancellation of registration, serve on the Commission a notice of objection in duplicate in the prescribed form, setting out the reasons for the objection and all relevant facts. 1962-63, c. 103, s. 24 (1), *amended.*

Service

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Commission at Toronto.

Review by Commission

(3) Upon receipt of a notice of objection, the Commission shall with all due despatch reconsider its opinion, and vary or confirm its opinion, and it shall thereupon notify the employer of its actions by registered mail. 1962-63, c. 103, s. 24 (2, 3).

Appeal to Court of Appeal

24.—(1) Where an employer has served a notice of objection under section 23, he may appeal to the Court of Appeal for an order requiring the Commission to accept the pension plan for registration under this Act,

(*a*) within ninety days after the Commission has confirmed its opinion that the pension plan is not acceptable for registration; or

(*b*) after ninety days and before 180 days have elapsed after service of the notice of objection and the Commission has not notified the employer that it has confirmed or varied its opinion.

Filing of notice of appeal

(2) An appeal to the Court shall be instituted by filing with the Registrar of the Court or by sending by registered mail addressed to him at Toronto three copies of a notice of appeal in such form as is determined by the rules of the Court.

(3) Upon receipt of the copies of the notice of appeal, the Registrar shall transmit two copies to the Superintendent. Transmission to Superintendent

(4) Immediately after receiving a copy of the notice of appeal, the Superintendent shall forward to the Registrar copies of all documents relevant to the appeal. Transmission of material

(5) An appeal may, in the discretion of the Court, be heard *in camera* or in public, unless the appellant requests that it be heard *in camera*, in which case it shall be so heard. Hearings *in camera*

(6) The Court may dispose of an appeal by dismissing it, by referring the matters in issue back to the Commission for reconsideration, or by allowing the appeal. Disposition of appeals

(7) Where the Court allows an appeal under this section, the Commission shall accept the pension plan for registration in accordance with the direction of the Court, which may include conditions precedent to qualification for registration of the plan imposed upon the appellant. 1962-63, c. 103, ss. 25-28. Executing decision of Court

25. The Lieutenant Governor in Council may make regulations, Regulations

(*a*) respecting methods of computing pension benefit credits and pension benefits and the commuted value of a deferred life annuity;

(*b*) respecting the variation of pension benefits and deferred life annuities by reference to pensions payable under the *Old Age Security Act* (Canada) or under any other pension plan administered by the Government of Canada or by the government of a province of Canada; R.S.C. 1952, c. 200

(*c*) prescribing the classes of investments and loans, both qualitative and quantitative, in which pension fund moneys heretofore or hereafter accumulated may be invested, and governing the making of such investments and loans;

(*d*) prescribing tests and standards for solvency of pension plans;

(*e*) prescribing the conditions under which, upon termination of employment of an employee, upon termination of an employee's membership in a pension plan or upon the termination or winding-up of a pension plan, pension benefit credits may be held in trust

by the administrator, insurer or trustee of the pension plan, or transferred to the administrator, insurer or trustee of another pension plan or to a registered retirement savings plan or to the agency described in section 16;

(*f*) designating employees or pension plans, or any class thereof, that are excepted from the application of the Act and the regulations;

(*g*) designating any province or territory of Canada as a province or territory, as the case may be, in which there is in force legislation substantially similar to this Act;

(*h*) prescribing mental or physical disability for the purpose of clause *b* of subsection 5 of section 21;

(*i*) providing for, regulating and governing the disposition of the assets of a pension plan that is discontinued, terminated or wound up;

(*j*) requiring the furnishing of information to the Commission in respect of pension plans;

(*k*) prescribing forms and providing for their use;

(*l*) prescribing fees for registration and the annual supervision of pension plans;

(*m*) prescribing approved contribution and benefit formulae in respect of pension plans required to be registered under this Act; and

(*n*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1962-63, c. 103, s. 20; 1964, c. 88, s. 6, *amended*.

Penalties

26.—(1) Every person who contravenes any provision of this Act or the regulations or who obstructs an officer or agent of the Commission in the performance of his duties is guilty of an offence and on summary conviction is liable to a fine of not less than $200 and not more than $10,000.

Idem

(2) Every employer who is convicted of an offence under subsection 1 shall pay to the insurer, trustee or administrator of the pension plan in respect of which the offence was com-

mitted all amounts that the employer has wrongly failed to pay as required by this Act and the regulations. 1962-63, c. 103, s. 22 (1, 2), *amended*.

(3) Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. *New*. Idem

(4) The fines recovered for offences against this Act shall be paid to the Commission. 1962-63, c. 103, s. 22 (3), *amended*. Disposition of fines

27. *The Pension Benefits Act, 1962-63* and *The Pension Benefits Amendment Act, 1964* are repealed. 1962-63, c. 103; 1964, c. 88, repealed

28. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

29. This Act may be cited as *The Pension Benefits Act, 1965*. Short title

1st Reading

May 21st, 1965

2nd Reading

May 28th, 1965

3rd Reading

June 21st, 1965

MR. ROBARTS

BILL 158

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act respecting Université d'Ottawa

MR. GUINDON

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

Université d'Ottawa was incorporated by *An Act to incorporate The College of Bytown*, being chapter 107 of the Statutes of the Province of Canada, 1849. The Act of incorporation has been amended and added to by various subsequent Acts including *The University of Ottawa Act, 1933*, which continued the corporation under its present name, *The University of Ottawa Amendment Act, 1941* and *The University of Ottawa Act, 1960-61*.

The Bill establishes another corporation which will be free from the restrictions and control of any outside body, whether lay or religious, and which will be called "Université d'Ottawa" in the French language and "University of Ottawa" in the English language, with enlarged powers, rights and privileges to take over the operation of certain of the faculties of the academic and administrative services and staff of, and to acquire certain of the real and personal assets of, the present corporation which henceforth will be called Université Saint Paul in the French language and Saint Paul University in the English language.

BILL 158 **1965**

An Act respecting Université d'Ottawa

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

Name Université d'Ottawa changed to Saint Paul University

1.—(1) The corporation of "The College of Bytown", which corporation had its name changed to "The College of Ottawa" and further changed to "Université d'Ottawa", is hereby continued under the name of "Université Saint Paul" in the French language and "Saint Paul University" in the English language and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it may now have, hold, possess and enjoy.

Former names used by University

(2) Where before the passing of this Act the name "University of Ottawa" or "The University of Ottawa" or "Ottawa University" was used by Université d'Ottawa, such name shall for all purposes be taken to have meant Université d'Ottawa.

Property, power to acquire and hold

(3) Saint Paul University, formerly Université d'Ottawa, has and shall be deemed always to have had, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy without licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate or property in addition thereto or in place thereof.

R.S.O. 1960, c. 191

PART II

Interpretation

2. In this Part,

(*a*) "Board" means the Board of Governors of the University of Ottawa;

(*b*) "Chancellor" means the Chancellor of the University;

(*c*) "property" includes real and personal property;

(*d*) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;

(*e*) "Rector" means the Rector of the University;

(*f*) "Senate" means the Senate of the University;

(*g*) "teaching staff" includes the professors and associate professors, the assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;

(*h*) "University" means the University of Ottawa.

University incorporated

3. The persons named in section 9, and such other persons who may hereafter become members of the Board, are hereby created a body corporate with perpetual succession and a common seal to be known in the French language under the name of "Université d'Ottawa" and in the English language under the name of "University of Ottawa".

Objects of University

4. The objects and purposes of the University are,

(*a*) to promote the advancement of learning and the dissemination of knowledge;

(*b*) to further, in accordance with Christian principles, the intellectual, spiritual, moral, physical and social development of, as well as a community spirit among, its undergraduates, graduates and teaching staff, and to promote the betterment of society;

(*c*) to further bilingualism and biculturalism and to preserve and develop French culture in Ontario.

Religious test not required

5. No religious test shall be required of any professor, lecturer, teacher, officer, servant or student of the University, nor shall any religious observances according to the regulations of any particular denomination or sect be imposed upon them.

Faculties and schools

6. The University may establish and maintain faculties, schools, institutes, departments, chairs and courses.

7. The University may grant in all branches of learning any and all university degrees, honorary degrees, diplomas and certificates. Degrees

8. The management, discipline and control of the University shall be free from the restrictions and control of any outside body, whether lay or religious, and no religious test shall be required of any member of the Board, but such management, discipline and control shall be based upon Christian principles. Management of University

9. There shall be a board of governors of the University of not more than thirty-two members, consisting of, Composition of Board

(*a*) The Rector;

(*b*) the following twelve persons:

George A. Addy,
Jean-Victor Allard,
Paul Desmarais,
Louis-Paul Dugal,
Mr. Justice Gérald Fauteux,
Lawrence Freiman,
James P. Gilmore,
Aurèle Gratton,
Ascanio J. Major,
Leo McCarthy,
J. Barry O'Brien,
Marcel Vincent;

(*c*) four persons appointed by the Lieutenant Governor in Council who, in the first instance, shall be,

John J. Deutsch,
Roger Duhamel,
Cecil Morrison,
Roger Séguin;

(*d*) two persons appointed by the Senate from among those of its members elected under clause *d* of subsection 1 of section 15;

(*e*) two persons appointed by the Alumni Association from among its own members;

(*f*) eight persons appointed by the Council of Administration of Saint Paul University who, in the first instance, shall be,

Jules Bélanger, O.M.I.,
Arthur Caron, O.M.I.,
Gerald Cousineau, O.M.I.,
Sylvio Ducharme, O.M.I.,
Jean-Charles Laframboise, O.M.I.,
René Lavigne, O.M.I.,
Rodrigue Normandin, O.M.I.,
Léo-Paul Pigeon, O.M.I.;

(*g*) such other persons appointed by the Board for such terms as the Board may determine by by-law.

Board, term of office, method of appointment

10.—(1) No members of the Board, except the Rector, shall be appointed for terms exceeding three years, and all members mentioned in clauses *b* and *g* of section 9 shall be appointed in rotation in such manner as the Board may determine by by-law.

Idem

(2) The Board shall by by-law prescribe the terms of office and the method of retirement of the persons named in clause *b* of section 9, and the terms of office and the method of appointment, replacement and retirement of their successors, and of the persons provided for in clause *g* of section 9.

Re-appointment

(3) All members of the Board are eligible for re-appointment.

Removal

(4) After thirty days notice to any member, the Board, by a resolution passed at a meeting at which at least two-thirds of the members of the Board are present, may declare vacant the seat of such member.

Filling of vacancies

(5) Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Quorum

(6) Fourteen members of the Board constitute a quorum.

Chairman, vice-chairman

(7) The Board shall elect from among its members a chairman and a vice-chairman.

Powers of Board

11. Except in such matters as are assigned by this Act to the Senate and the boards of federated and affiliated colleges and universities, the government, conduct, management and control of the University and of its property, revenues, business and affairs are vested in the Board, and

the Board has all the powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

(*a*) to appoint and remove the Rector and the Vice-Rectors;

(*b*) to appoint, promote and remove the heads of all faculties and schools, all officers of the University and of the faculties, the teaching staff of the University and all such other officers, clerks, employees, agents and servants as the Board deems necessary or expedient for the purposes of the University, but no person shall be appointed, promoted or removed as head of a faculty or school, as a senior administrative officer or as a member of the teaching staff of the University except on the recommendation of the Rector;

(*c*) to fix the number, duties, salaries and other emoluments of officers, members of the teaching staff, agents and servants of the University;

(*d*) to appoint an executive committee and such other committees of the Board as it deems advisable, and to delegate to any such committee any of its powers;

(*e*) to borrow money on the credit of the University in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;

(*f*) to make, draw and endorse promissory notes or bills of exchange;

(*g*) to hypothecate, pledge or charge any or all the property of the University to secure any money so borrowed or the fulfilment of the obligation incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;

(*h*) to issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations;

(*i*) to provide for the appointment and establishment of such advisory, deliberative or administrative persons, offices and bodies of the University, including a joint committee of the Senate and the Board to discuss matters of mutual concern, as the Board deems advisable, and to fix their respective memberships, powers and duties;

(*j*) to make by-laws, rules and regulations in respect of all such matters as may seem necessary or advisable for the government, management, conduct and control of the University.

Chancellor

12.—(1) There shall be a Chancellor of the University who shall be appointed by the Board with the concurrence of the Senate and who shall hold office for four years and is eligible for re-appointment.

Chancellor to be titular head, etc.

(2) The Chancellor shall be the titular head of the University and be accorded the place of honour at commencement exercises and other functions, and, if present, he shall preside at examinations.

Rector to be Vice-Chancellor

(3) The Rector is Vice-Chancellor of the University and in the absence of or vacancy in the office of the Chancellor, shall perform the functions of the Chancellor.

Degrees

(4) In the absence of the Chancellor and the Vice-Chancellor, the Senate shall appoint one of its number to confer degrees.

Rector, appointment and tenure

13.—(1) There shall be a Rector of the University who shall be appointed by the Board and who, unless otherwise provided by the Board, shall hold office during the pleasure of the Board.

Vice-Rector and other officers

(2) The Board shall appoint at least two Vice-Rectors and may appoint any other officers who shall have such powers and duties as may be conferred on them by the Board on the recommendation of the Rector, and one Vice-Rector shall act as Rector when the Rector is absent or if there is a vacancy in the office of Rector and, while so acting, he has all the rights, privileges, powers and duties of the Rector.

Rector to be chief executive

(3) The Rector is the chief executive officer of the University and chairman of the Senate and has supervision over and direction of the academic work and general administration of the University, the teaching staff, officers, servants and students thereof, and has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

14. The Secretary shall, Duties of Secretary

(*a*) be the Secretary of the Board and of the Senate;

(*b*) maintain and keep the register or roll of graduates of the University and of those persons who receive honorary degrees;

(*c*) sign all University diplomas after the Rector; and

(*d*) perform such other duties as may be assigned to him by the Rector or by the Board.

15.—(1) There shall be a Senate of the University composed of, Senate

(*a*) the Chancellor;

(*b*) the Rector, the Vice-Rectors and the Secretary;

(*c*) the dean and the secretary of each faculty, including those of the federated universities, or, in the absence of the dean, the vice-dean;

(*d*) one professor or associate professor on the teaching staff of each faculty, including those of the federated universities, elected by the council of each faculty for a term of three years;

(*e*) the director of each special school operated by the University but not conducted by any of its organized faculties;

(*f*) the head of each federated college and university;

(*g*) subject to clause *b* of subsection 1 of section 29 being implemented, the head and the Dean of Studies of St. Patrick's College of the University of Ottawa;

(*h*) such other members as the Senate may determine by by-law.

(2) All elected or appointed members of the Senate are eligible for re-election or re-appointment. Members eligible for re-election

16.—(1) The Rector or, in his absence, the first Vice-Rector or, in the absence of both, the second Vice-Rector shall preside at all meetings of the Senate. Rector or Vice-Rector to preside at meetings

Questions to be decided by vote

(2) All questions before the Senate shall be decided by a majority of the votes of the members present, including the vote of the Rector or other presiding member of the Senate, and, in the case of an equal division of such votes, the Rector or, in his absence, the presiding member at such meeting has an additional or casting vote.

Quorum

(3) A majority of all the members of the Senate constitutes a quorum.

Meetings

(4) The Senate shall meet from time to time, when convened by the Rector, and at such other times as the members of the Senate appoint and at such place in the City of Ottawa as the Rector may choose.

Powers of Senate

17. The Senate is responsible for the educational policy of the University and, subject to the approval of the Board in so far as the expenditure of funds is concerned, may create, maintain and discontinue such faculties, departments, schools or institutes or establish such chairs as it may determine, may enact by-laws and regulations for the conduct of its affairs, and, without limiting the generality of the foregoing, has power,

(*a*) to control, regulate and determine the educational policy of the University according to Christian principles and its bilingual tradition and character;

(*b*) to determine the courses of study and standards of admissions to the University and continued membership therein, and qualifications for degrees and diplomas;

(*c*) to deal with all matters arising in connection with the awarding of fellowships, scholarships, bursaries, medals, prizes and other awards;

(*d*) to confer the degrees of Bachelor, Master and Doctor, and all other degrees and diplomas in all branches of learning that may appropriately be conferred by a university;

(*e*) to confer honorary degrees in any branch of higher learning with the concurrence of the Board;

(*f*) to create committees to exercise its powers.

Government of faculty

18.—(1) Every faculty established by the University shall be governed by a council, which shall consist of the Dean, the Associate Dean, if any, the Vice-Dean, the Secretary and such other members as may be determined by the Senate.

(2) The councils of the faculties may appoint examiners and make by-laws for the good and efficient management of the affairs of the faculty, provided that no such by-law is valid until approved by the Senate with regard to matters of a purely academic nature and by the Board with regard to all other matters. Powers of councils of faculties

19. The Board may by by-law, confirmed by the Senate, provide that any college, seminary or university may become federated or affiliated with the University on such terms and for such periods of time as the Senate and the Board may determine. Powers of affiliation

20. The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy without licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate or property in addition thereto or in place thereof. Property R.S.O. 1960, c. 191

21. The property vested in the University and any lands and premises leased to and occupied by the University are not liable to taxation for provincial, municipal or school purposes, and are exempt from every description of taxation so long as the same are actually used and occupied for the purposes of the University. Tax exemption

22. Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto. Property of University not liable to be expropriated

23. All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. Application of statute of limitations

24. The property and the income, revenues, issues and profits of all property of the University shall be applied solely to achieving the objects and purposes of the University. Application of property

25. The funds of the University not immediately required for its purposes and the proceeds of all property that come to Investment of funds

the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board deems meet.

Audit

26. The accounts of the Board shall be audited at least once a year.

Annual report

27. Upon the request of the Lieutenant Governor in Council, the Board shall submit to him its annual report and shall submit such other reports as he may request from time to time.

PART III

Saint Paul University federated

28. Saint Paul University, upon the coming into force of this Act, shall become federated with the University of Ottawa, subject to such terms and conditions as may be agreed upon by the two corporations.

St. Patrick's College

29.—(1) St. Patrick's College, upon the coming into force of this Act, has the option of,

(*a*) becoming either federated or affiliated with the University of Ottawa, subject to such terms and conditions as may be agreed upon by the institutions concerned; or

(*b*) becoming an integral part of the University of Ottawa, to be known as St. Patrick's College of the University of Ottawa, upon such terms and conditions as may be mutually agreed upon between the University of Ottawa and the administrators of St. Patrick's College as it presently exists, which terms and conditions shall be incorporated in the by-laws of the University of Ottawa with the specific object of ensuring the preservation and development on the present campus of St. Patrick's College of the presently established sections of the Faculty of Arts and of the School of Social Welfare.

Effect on University undertakings

(2) Nothing in clause *b* of subsection 1 shall be construed to imply that the University of Ottawa is prevented from undertaking any other academic activities on the campus of St. Patrick's College of the University of Ottawa, provided such other activities are not inconsistent with the terms and conditions mentioned in subsection 1 as incorporated in the by-laws of the University of Ottawa.

Existing affiliations

30. Any other college or institution affiliated with Saint Paul University upon the coming into force of this Act has

the right under this Act of continuing its affiliation with the University of Ottawa through Saint Paul University or of negotiating separate affiliation or federation agreements with the University of Ottawa, or both, as in its discretion it deems meet.

Students' credits and marks recognized, 1965 degrees

31. The University of Ottawa shall grant to all students past and present of Saint Paul University full recognition towards their respective university degrees for all credits and marks awarded by Saint Paul University before this Act came into force, and shall grant degrees in its own name to all of those students who are recommended for degrees by Saint Paul University during the fall convocation for the year 1965.

Transfer of property between universities

32. The University of Ottawa and Saint Paul University, in order to give effect to the intent and purpose of this Act, may make and accept as between themselves such transfers of property upon such terms and for such consideration, including nominal consideration, and subject to such conditions and security for payment, as may be mutually agreed upon.

Saint Paul Senate to act temporarily for University

33. Until the University of Ottawa has organized its Senate, the Senate of Saint Paul University has power to carry out in the name of and on behalf of the Senate of the University of Ottawa its duties, functions and powers as mentioned in section 17, but such power shall not in any event be exercised by the Senate of Saint Paul University after the 31st day of October, 1965.

PART IV

Commencement

34. This Act comes into force on the 1st day of July, 1965.

Short title

35. This Act may be cited as *The University of Ottawa Act, 1965*.

1st Reading

May 27th, 1965

2nd Reading

3rd Reading

MR. GUINDON

1965

BILL 158

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act respecting Université d'Ottawa

MR. GUINDON

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 158 **1965**

An Act respecting Université d'Ottawa

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

Name Université d'Ottawa changed to Saint Paul University

1.—(1) The corporation of "The College of Bytown", which corporation had its name changed to "The College of Ottawa" and further changed to "Université d'Ottawa", is hereby continued under the name of "Université Saint Paul" in the French language and "Saint Paul University" in the English language and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it may now have, hold, possess and enjoy.

Former names used by University

(2) Where before the passing of this Act the name "University of Ottawa" or "The University of Ottawa" or "Ottawa University" was used by Université d'Ottawa, such name shall for all purposes be taken to have meant Université d'Ottawa.

Property, power to acquire and hold

(3) Saint Paul University, formerly Université d'Ottawa, has and shall be deemed always to have had, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy without licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate or property in addition thereto or in place thereof.

R.S.O. 1960, c. 191

PART II

Interpretation

2. In this Part,

(*a*) "Board" means the Board of Governors of the University of Ottawa;

(*b*) "Chancellor" means the Chancellor of the University;

(*c*) "property" includes real and personal property;

(*d*) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;

(*e*) "Rector" means the Rector of the University;

(*f*) "Senate" means the Senate of the University;

(*g*) "teaching staff" includes the professors and associate professors, the assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;

(*h*) "University" means the University of Ottawa.

University incorporated

3. The persons named in section 9, and such other persons who may hereafter become members of the Board, are hereby created a body corporate with perpetual succession and a common seal to be known in the French language under the name of "Université d'Ottawa" and in the English language under the name of "University of Ottawa".

Objects of University

4. The objects and purposes of the University are,

(*a*) to promote the advancement of learning and the dissemination of knowledge;

(*b*) to further, in accordance with Christian principles, the intellectual, spiritual, moral, physical and social development of, as well as a community spirit among, its undergraduates, graduates and teaching staff, and to promote the betterment of society;

(*c*) to further bilingualism and biculturalism and to preserve and develop French culture in Ontario.

Religious test not required

5. No religious test shall be required of any professor, lecturer, teacher, officer, servant or student of the University, nor shall any religious observances according to the regulations of any particular denomination or sect be imposed upon them.

Faculties and schools

6. The University may establish and maintain faculties, schools, institutes, departments, chairs and courses.

7. The University may grant in all branches of learning any and all university degrees, honorary degrees, diplomas and certificates. Degrees

8. The management, discipline and control of the University shall be free from the restrictions and control of any outside body, whether lay or religious, and no religious test shall be required of any member of the Board, but such management, discipline and control shall be based upon Christian principles. Management of University

9. There shall be a board of governors of the University of not more than thirty-two members, consisting of, Composition of Board

(*a*) The Rector;

(*b*) the following twelve persons:

George A. Addy,
Jean-Victor Allard,
Paul Desmarais,
Louis-Paul Dugal,
Mr. Justice Gérald Fauteux,
Lawrence Freiman,
James P. Gilmore,
Aurèle Gratton,
Ascanio J. Major,
Leo McCarthy,
J. Barry O'Brien,
Marcel Vincent;

(*c*) four persons appointed by the Lieutenant Governor in Council who, in the first instance, shall be,

John J. Deutsch,
Roger Duhamel,
Cecil Morrison,
Roger Séguin;

(*d*) two persons appointed by the Senate from among those of its members elected under clause *d* of subsection 1 of section 15;

(*e*) two persons appointed by the Alumni Association from among its own members;

(*f*) eight persons appointed by the Council of Administration of Saint Paul University who, in the first instance, shall be,

Jules Bélanger, O.M.I.,
Arthur Caron, O.M.I.,
Gerald Cousineau, O.M.I.,
Sylvio Ducharme, O.M.I.,
Jean-Charles Laframboise, O.M.I.,
René Lavigne, O.M.I.,
Rodrigue Normandin, O.M.I.,
Léo-Paul Pigeon, O.M.I.;

(*g*) such other persons appointed by the Board for such terms as the Board may determine by by-law.

Board, term of office, method of appointment

10.—(1) No members of the Board, except the Rector, shall be appointed for terms exceeding three years, and all members mentioned in clauses *b* and *g* of section 9 shall be appointed in rotation in such manner as the Board may determine by by-law.

Idem

(2) The Board shall by by-law prescribe the terms of office and the method of retirement of the persons named in clause *b* of section 9, and the terms of office and the method of appointment, replacement and retirement of their successors, and of the persons provided for in clause *g* of section 9.

Re-appointment

(3) All members of the Board are eligible for re-appointment.

Removal

(4) After thirty days notice to any member, the Board, by a resolution passed at a meeting at which at least two-thirds of the members of the Board are present, may declare vacant the seat of such member.

Filling of vacancies

(5) Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Quorum

(6) Fourteen members of the Board constitute a quorum.

Chairman, vice-chairman

(7) The Board shall elect from among its members a chairman and a vice-chairman.

Powers of Board

11. Except in such matters as are assigned by this Act to the Senate and the boards of federated and affiliated colleges and universities, the government, conduct, management and control of the University and of its property, revenues, business and affairs are vested in the Board, and

the Board has all the powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

(*a*) to appoint and remove the Rector and the Vice-Rectors;

(*b*) to appoint, promote and remove the heads of all faculties and schools, all officers of the University and of the faculties, the teaching staff of the University and all such other officers, clerks, employees, agents and servants as the Board deems necessary or expedient for the purposes of the University, but no person shall be appointed, promoted or removed as head of a faculty or school, as a senior administrative officer or as a member of the teaching staff of the University except on the recommendation of the Rector;

(*c*) to fix the number, duties, salaries and other emoluments of officers, members of the teaching staff, agents and servants of the University;

(*d*) to appoint an executive committee and such other committees of the Board as it deems advisable, and to delegate to any such committee any of its powers;

(*e*) to borrow money on the credit of the University in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;

(*f*) to make, draw and endorse promissory notes or bills of exchange;

(*g*) to hypothecate, pledge or charge any or all the property of the University to secure any money so borrowed or the fulfilment of the obligation incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;

(*h*) to issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations;

(*i*) to provide for the appointment and establishment of such advisory, deliberative or administrative persons, offices and bodies of the University, including a joint committee of the Senate and the Board to discuss matters of mutual concern, as the Board deems advisable, and to fix their respective memberships, powers and duties;

(*j*) to make by-laws, rules and regulations in respect of all such matters as may seem necessary or advisable for the government, management, conduct and control of the University.

Chancellor

12.—(1) There shall be a Chancellor of the University who shall be appointed by the Board with the concurrence of the Senate and who shall hold office for four years and is eligible for re-appointment.

Chancellor to be titular head, etc.

(2) The Chancellor shall be the titular head of the University and be accorded the place of honour at commencement exercises and other functions, and, if present, he shall preside at examinations.

Rector to be Vice-Chancellor

(3) The Rector is Vice-Chancellor of the University and, in the absence of or vacancy in the office of the Chancellor, shall perform the functions of the Chancellor.

Degrees

(4) In the absence of the Chancellor and the Vice-Chancellor, the Senate shall appoint one of its number to confer degrees.

Rector, appointment and tenure

13.—(1) There shall be a Rector of the University who shall be appointed by the Board and who, unless otherwise provided by the Board, shall hold office during the pleasure of the Board.

Vice-Rector and other officers

(2) The Board shall appoint at least two Vice-Rectors and may appoint any other officers who shall have such powers and duties as may be conferred on them by the Board on the recommendation of the Rector, and one Vice-Rector shall act as Rector when the Rector is absent or if there is a vacancy in the office of Rector and, while so acting, he has all the rights, privileges, powers and duties of the Rector.

Rector to be chief executive

(3) The Rector is the chief executive officer of the University and chairman of the Senate and has supervision over and direction of the academic work and general administration of the University, the teaching staff, officers, servants and students thereof, and has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

14. The Secretary shall, Duties of Secretary

(*a*) be the Secretary of the Board and of the Senate;

(*b*) maintain and keep the register or roll of graduates of the University and of those persons who receive honorary degrees;

(*c*) sign all University diplomas after the Rector; and

(*d*) perform such other duties as may be assigned to him by the Rector or by the Board.

15.—(1) There shall be a Senate of the University composed of, Senate

(*a*) the Chancellor;

(*b*) the Rector, the Vice-Rectors and the Secretary;

(*c*) the dean and the secretary of each faculty, including those of the federated universities, or, in the absence of the dean, the vice-dean;

(*d*) one professor or associate professor on the teaching staff of each faculty, including those of the federated universities, elected by the council of each faculty for a term of three years;

(*e*) the director of each special school operated by the University but not conducted by any of its organized faculties;

(*f*) the head of each federated college and university;

(*g*) subject to clause *b* of subsection 1 of section 29 being implemented, the head and the Dean of Studies of St. Patrick's College of the University of Ottawa;

(*h*) such other members as the Senate may determine by by-law.

(2) All elected or appointed members of the Senate are eligible for re-election or re-appointment. Members eligible for re-election

16.—(1) The Rector or, in his absence, the first Vice-Rector or, in the absence of both, the second Vice-Rector shall preside at all meetings of the Senate. Rector or Vice-Rector to preside at meetings

Questions to be decided by vote

(2) All questions before the Senate shall be decided by a majority of the votes of the members present, including the vote of the Rector or other presiding member of the Senate, and, in the case of an equal division of such votes, the Rector or, in his absence, the presiding member at such meeting has an additional or casting vote.

Quorum

(3) A majority of all the members of the Senate constitutes a quorum.

Meetings

(4) The Senate shall meet from time to time, when convened by the Rector, and at such other times as the members of the Senate appoint and at such place in the City of Ottawa as the Rector may choose.

Powers of Senate

17. The Senate is responsible for the educational policy of the University and, subject to the approval of the Board in so far as the expenditure of funds is concerned, may create, maintain and discontinue such faculties, departments, schools or institutes or establish such chairs as it may determine, may enact by-laws and regulations for the conduct of its affairs, and, without limiting the generality of the foregoing, has power,

(*a*) to control, regulate and determine the educational policy of the University according to Christian principles and its bilingual tradition and character;

(*b*) to determine the courses of study and standards of admissions to the University and continued membership therein, and qualifications for degrees and diplomas;

(*c*) to deal with all matters arising in connection with the awarding of fellowships, scholarships, bursaries, medals, prizes and other awards;

(*d*) to confer the degrees of Bachelor, Master and Doctor, and all other degrees and diplomas in all branches of learning that may appropriately be conferred by a university;

(*e*) to confer honorary degrees in any branch of higher learning with the concurrence of the Board;

(*f*) to create committees to exercise its powers.

Government of faculty

18.—(1) Every faculty established by the University shall be governed by a council, which shall consist of the Dean, the Associate Dean, if any, the Vice-Dean, the Secretary and such other members as may be determined by the Senate.

(2) The councils of the faculties may appoint examiners and make by-laws for the good and efficient management of the affairs of the faculty, provided that no such by-law is valid until approved by the Senate with regard to matters of a purely academic nature and by the Board with regard to all other matters. Powers of councils of faculties

19. The Board may by by-law, confirmed by the Senate, provide that any college, seminary or university may become federated or affiliated with the University on such terms and for such periods of time as the Senate and the Board may determine. Powers of affiliation

20. The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy without licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate or property in addition thereto or in place thereof. Property R.S.O. 1960, c. 191

21. The property vested in the University and any lands and premises leased to and occupied by the University are not liable to taxation for provincial, municipal or school purposes, and are exempt from every description of taxation so long as the same are actually used and occupied for the purposes of the University. Tax exemption

22. Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto. Property of University not liable to be expropriated

23. All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. Application of statute of limitations

24. The property and the income, revenues, issues and profits of all property of the University shall be applied solely to achieving the objects and purposes of the University. Application of property

25. The funds of the University not immediately required for its purposes and the proceeds of all property that come to Investment of funds

the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board deems meet.

Audit

26. The accounts of the Board shall be audited at least once a year.

Annual report

27. Upon the request of the Lieutenant Governor in Council, the Board shall submit to him its annual report and shall submit such other reports as he may request from time to time.

PART III

Saint Paul University federated

28. Saint Paul University, upon the coming into force of this Act, shall become federated with the University of Ottawa, subject to such terms and conditions as may be agreed upon by the two corporations.

St. Patrick's College

29.—(1) St. Patrick's College, upon the coming into force of this Act, has the option of,

(*a*) becoming either federated or affiliated with the University of Ottawa, subject to such terms and conditions as may be agreed upon by the institutions concerned; or

(*b*) becoming an integral part of the University of Ottawa, to be known as St. Patrick's College of the University of Ottawa, upon such terms and conditions as may be mutually agreed upon between the University of Ottawa and the administrators of St. Patrick's College as it presently exists, which terms and conditions shall be incorporated in the by-laws of the University of Ottawa with the specific object of ensuring the preservation and development on the present campus of St. Patrick's College of the presently established sections of the Faculty of Arts and of the School of Social Welfare.

Effect on University undertakings

(2) Nothing in clause *b* of subsection 1 shall be construed to imply that the University of Ottawa is prevented from undertaking any other academic activities on the campus of St. Patrick's College of the University of Ottawa, provided such other activities are not inconsistent with the terms and conditions mentioned in subsection 1 as incorporated in the by-laws of the University of Ottawa.

Existing affiliations

30. Any other college or institution affiliated with Saint Paul University upon the coming into force of this Act has

the right under this Act of continuing its affiliation with the University of Ottawa through Saint Paul University or of negotiating separate affiliation or federation agreements with the University of Ottawa, or both, as in its discretion it deems meet.

Students' credits and marks recognized, 1965 degrees

31. The University of Ottawa shall grant to all students past and present of Saint Paul University full recognition towards their respective university degrees for all credits and marks awarded by Saint Paul University before this Act came into force, and shall grant degrees in its own name to all of those students who are recommended for degrees by Saint Paul University during the fall convocation for the year 1965.

Transfer of property between universities

32. The University of Ottawa and Saint Paul University, in order to give effect to the intent and purpose of this Act, may make and accept as between themselves such transfers of property upon such terms and for such consideration, including nominal consideration, and subject to such conditions and security for payment, as may be mutually agreed upon.

Saint Paul Senate to act temporarily for University

33. Until the University of Ottawa has organized its Senate, the Senate of Saint Paul University has power to carry out in the name of and on behalf of the Senate of the University of Ottawa its duties, functions and powers as mentioned in section 17, but such power shall not in any event be exercised by the Senate of Saint Paul University after the 31st day of October, 1965.

PART IV

Commencement

34. This Act comes into force on the 1st day of July, 1965.

Short title

35. This Act may be cited as *The University of Ottawa Act, 1965*.

1st Reading

May 27th, 1965

2nd Reading

June 8th, 1965

3rd Reading

June 21st, 1965

MR. GUINDON

BILL 159

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Hospital Services Commission Act

MR. LEWIS (Scarborough West)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The amendment authorizes regulations to be made in respect of the matter set out in the new clause.

BILL 159 **1965**

An Act to amend The Hospital Services Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 15 of *The Hospital Services Commission Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 176, s. 15, subs. 1, amended

(*fa*) providing for the continuance of coverage for persons who are unemployed or who are without income due to illness or disability.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Hospital Services Commission Amendment Act, 1965*. Short title

1st Reading

May 27th, 1965

2nd Reading

3rd Reading

MR. LEWIS (Scarborough West)

1965

BILL 160

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

MR. ALLAN

TORONTO
PRINTER AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 160 1965

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Loans up to $150,000,000 authorized

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate $150,000,000.

R.S.O. 1960, c. 142

Idem

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1965*.

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

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1st Reading

June 1st, 1965

2nd Reading

3rd Reading

MR. ALLAN

BILL 160

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 160 **1965**

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate $150,000,000. Loans up to $150,000,000 authorized R.S.O. 1960, c. 142

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. Idem

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. Idem

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1965*.

1st Reading

June 1st, 1965

2nd Reading

June 8th, 1965

3rd Reading

June 21st, 1965

MR. ALLAN

BILL 161

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend
The Ontario Mental Health Foundation Act, 1960-61

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The purpose of this Bill is to change the name of "The Dr. C. K. Clarke Institute of Psychiatry" to "Clarke Institute of Psychiatry", to revise its organization, and to give the Institute powers as to the admission, treatment and discharge of patients and related matters.

BILL 161 **1965**

An Act to amend The Ontario Mental Health Foundation Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part II of *The Ontario Mental Health Foundation Act, 1960-61*, as enacted by section 3 of *The Ontario Mental Health Foundation Amendment Act, 1964*, is repealed and the following substituted therefor: 1960-61, c. 67, Part II (1964, c. 80, s. 3), re-enacted

PART II

CLARKE INSTITUTE OF PSYCHIATRY

Clarke Institute of Psychiatry

12*a*. The corporation known as The Dr. C. K. Clarke Institute of Psychiatry is hereby continued under the name "Clarke Institute of Psychiatry", in this Part referred to as the "Institute".

Members

12*b*.—(1) The Institute shall consist of not fewer than seven and not more than twelve persons to be appointed by the Lieutenant Governor in Council, of whom two shall be appointed upon the recommendation of the Minister of Health, at least two shall be members of the Foundation, and the remainder shall be appointed from among a list of persons nominated by the Foundation, and the persons who constitute the Institute also constitute the board of trustees of the Institute, in this Part referred to as the "Board".

Term of office

(2) A member of the Institute shall hold office for three years and is eligible for re-appointment for a second term of three years, but a member other than the chairman is not eligible for re-appointment after having served a second term of three years until a period of twelve months has elapsed from the date of his retirement.

Vacancies

(3) The Lieutenant Governor in Council may fill any vacancies that occur from time to time in the membership of the Institute in accordance with the method of appointment prescribed by subsection 1.

Quorum

12*c*. One-half of the total number of members of the Institute constitutes a quorum for the transaction of business at a meeting.

Chairman

12*d*. The Lieutenant Governor in Council may appoint a member of the Foundation, or a member of the Institute appointed upon the nomination of the Foundation, as chairman of the Institute, who shall on appointment also be the chairman of the Board.

Objects

12*e*. The objects of the Institute are to maintain, manage and operate a hospital with facilities for psychiatric research, education, diagnosis and treatment.

Agreements with universities

12*f*.—(1) Subject to the approval of the Foundation, the Institute may enter into agreements with any university for providing teaching or research facilities for that university in the hospital maintained and operated under this Act.

Other agreements

(2) The Institute may enter into agreements with the Foundation or any university, medical association, hospital or any person for the purpose of carrying out the objects of the Institute.

Director and staff

12*g*. The Institute may employ a director and such staff as may from time to time be required for the purposes of the Institute and may pay such director and staff such remuneration as it deems proper out of its funds.

By-laws, etc.

12*h*. Subject to the approval of the Foundation, the Institute may make such by-laws, rules or regulations as are deemed expedient for the administration of its affairs.

Funds

12*i*.—(1) The funds of the Institute consist of moneys received by it from any source, including the Foundation, and the Institute may disburse, expend or otherwise deal with any of its funds in such manner, not contrary to law, as it deems proper.

Estimates

(2) The Institute shall annually prepare and submit to the Foundation the estimates of the moneys required for its purposes during its ensuing fiscal year.

12*j*. The real and personal property, business and income of the Institute are not subject to taxation for municipal or provincial purposes. Exemption from taxation

12*k*. The members of the Institute may be paid such amounts for travelling and other expenses incurred in the work of the Institute as the Institute determines from time to time. Expenses

12*l*. The accounts and financial transactions of the Institute shall be audited annually by the Provincial Auditor or by such other auditor as the Lieutenant Governor in Council appoints. Audit

12*m*.—(1) The Institute shall, after the close of each fiscal year, make a report on its affairs during the preceding year to the Minister of Health and to the Foundation, and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the Institute during the preceding year. Annual report

(2) The Minister of Health shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session Idem

12*n*.—(1) The Institute may admit any person, Admission to Institute

(*a*) upon his own oral or written application;

(*b*) in the case of any person under the age of sixteen years, upon the oral or written application of a parent or the person who stands *in loco parentis* to the person seeking admission.

(2) For the purposes of this Part, Application of R.S.O. 1960, cc. 236, 307, 315

(*a*) sections 16, 22, 23, 25, 28 to 33, 35, 37 to 40, 42, 43 and 45 to 48 of *The Mental Hospitals Act*;

(*b*) sections 13 to 15, subsections 1 and 2 of section 20, subsection 3 of section 24, sections 37, 38, 42 to 44 and 53 of *The Private Sanitaria Act*; and

(*c*) sections 9, 16 and 19 of *The Psychiatric Hospitals Act*,

apply *mutatis mutandis* to the Institute, and, for the purposes of this subsection, the Institute shall be deemed to be an institution, sanitarium or psychiatric hospital, as the case may be, and the psychiatrist designated by the Board may exercise all the powers conferred on, and perform all the functions exercisable by, the superintendent of an institution, sanitarium or psychiatric hospital, as the case may be.

Accommodation available

(3) Notwithstanding subsections 1 and 2, a person may be admitted to the Institute only after the Institute has informed the applicant that accommodation is available for the person to be admitted.

Transfer to public hospital

12*o*. A patient in the Institute may be transferred to a public hospital for treatment and may be returned to the Institute upon the conclusion of the treatment.

Administration of patient's property

12*p*.—(1) If, at any time after the admission to the Institute of a person as a patient, the Institute finds that such person has real or personal property that requires to be administered, section 18 of *The Psychiatric Hospitals Act* applies *mutatis mutandis*.

R.S.O. 1960, c. 315

Applications under R.S.O. 1960, c. 237, not affected

(2) Nothing in subsection 1 shall be construed as preventing or prohibiting any person from making an application under *The Mental Incompetency Act*.

Charges for services

12*q*. The Board may prescribe and collect charges for its services to a person who is or has been a patient in the Institute.

Limitation of actions

12*r*.—(1) All actions against any person for anything done or omitted to be done in pursuance or in purported pursuance of this Act shall be commenced within six months after the act or omission complained of has been committed, and not afterwards.

Torts of patients

(2) No action lies against the Institute or an officer, employee or servant thereof for a tort of a patient.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Mental Health Foundation Amendment Act, 1965*.

An Act to amend The Ontario
Mental Health Foundation Act, 1960-61

1st Reading

June 2nd, 1965

2nd Reading

3rd Reading

MR. DYMOND

BILL 161

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Ontario Mental Health Foundation Act, 1960-61

MR. DYMOND

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 161 **1965**

An Act to amend The Ontario Mental Health Foundation Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part II of *The Ontario Mental Health Foundation Act, 1960-61*, as enacted by section 3 of *The Ontario Mental Health Foundation Amendment Act, 1964*, is repealed and the following substituted therefor: 1960-61, c. 67, Part II (1964, c. 80, s. 3), re-enacted

PART II

CLARKE INSTITUTE OF PSYCHIATRY

12*a*. The corporation known as The Dr. C. K. Clarke Institute of Psychiatry is hereby continued under the name "Clarke Institute of Psychiatry", in this Part referred to as the "Institute". Clarke Institute of Psychiatry

12*b*.—(1) The Institute shall consist of not fewer than seven and not more than twelve persons to be appointed by the Lieutenant Governor in Council, of whom two shall be appointed upon the recommendation of the Minister of Health, at least two shall be members of the Foundation, and the remainder shall be appointed from among a list of persons nominated by the Foundation, and the persons who constitute the Institute also constitute the board of trustees of the Institute, in this Part referred to as the "Board". Members

(2) A member of the Institute shall hold office for three years and is eligible for re-appointment for a second term of three years, but a member other than the chairman is not eligible for re-appointment after having served a second term of three years until a period of twelve months has elapsed from the date of his retirement. Term of office

Vacancies

(3) The Lieutenant Governor in Council may fill any vacancies that occur from time to time in the membership of the Institute in accordance with the method of appointment prescribed by subsection 1.

Quorum

12*c*. One-half of the total number of members of the Institute constitutes a quorum for the transaction of business at a meeting.

Chairman

12*d*. The Lieutenant Governor in Council may appoint a member of the Foundation, or a member of the Institute appointed upon the nomination of the Foundation, as chairman of the Institute, who shall on appointment also be the chairman of the Board.

Objects

12*e*. The objects of the Institute are to maintain, manage and operate a hospital with facilities for psychiatric research, education, diagnosis and treatment.

Agreements with universities

12*f*.—(1) Subject to the approval of the Foundation, the Institute may enter into agreements with any university for providing teaching or research facilities for that university in the hospital maintained and operated under this Act.

Other agreements

(2) The Institute may enter into agreements with the Foundation or any university, medical association, hospital or any person for the purpose of carrying out the objects of the Institute.

Director and staff

12*g*. The Institute may employ a director and such staff as may from time to time be required for the purposes of the Institute and may pay such director and staff such remuneration as it deems proper out of its funds.

By-laws, etc.

12*h*. Subject to the approval of the Foundation, the Institute may make such by-laws, rules or regulations as are deemed expedient for the administration of its affairs.

Funds

12*i*.—(1) The funds of the Institute consist of moneys received by it from any source, including the Foundation, and the Institute may disburse, expend or otherwise deal with any of its funds in such manner, not contrary to law, as it deems proper.

Estimates

(2) The Institute shall annually prepare and submit to the Foundation the estimates of the moneys required for its purposes during its ensuing fiscal year.

12*j*. The real and personal property, business and income of the Institute are not subject to taxation for municipal or provincial purposes. Exemption from taxation

12*k*. The members of the Institute may be paid such amounts for travelling and other expenses incurred in the work of the Institute as the Institute determines from time to time. Expenses

12*l*. The accounts and financial transactions of the Institute shall be audited annually by the Provincial Auditor or by such other auditor as the Lieutenant Governor in Council appoints. Audit

12*m*.—(1) The Institute shall, after the close of each fiscal year, make a report on its affairs during the preceding year to the Minister of Health and to the Foundation, and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the Institute during the preceding year. Annual report

(2) The Minister of Health shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session Idem

12*n*.—(1) The Institute may admit any person, Admission to Institute

(*a*) upon his own oral or written application;

(*b*) in the case of any person under the age of sixteen years, upon the oral or written application of a parent or the person who stands *in loco parentis* to the person seeking admission.

(2) For the purposes of this Part, Application of R.S.O. 1960, cc. 236, 307, 315

(*a*) sections 16, 22, 23, 25, 28 to 33, 35, 37 to 40, 42, 43 and 45 to 48 of *The Mental Hospitals Act*;

(*b*) sections 13 to 15, subsections 1 and 2 of section 20, subsection 3 of section 24, sections 37, 38, 42 to 44 and 53 of *The Private Sanitaria Act*; and

(*c*) sections 9, 16 and 19 of *The Psychiatric Hospitals Act*,

apply *mutatis mutandis* to the Institute, and, for the purposes of this subsection, the Institute shall be deemed to be an institution, sanitarium or psychiatric hospital, as the case may be, and the psychiatrist designated by the Board may exercise all the powers conferred on, and perform all the functions exercisable by, the superintendent of an institution, sanitarium or psychiatric hospital, as the case may be.

Accommodation available

(3) Notwithstanding subsections 1 and 2, a person may be admitted to the Institute only after the Institute has informed the applicant that accommodation is available for the person to be admitted.

Transfer to public hospital

12*o*. A patient in the Institute may be transferred to a public hospital for treatment and may be returned to the Institute upon the conclusion of the treatment.

Administration of patient's property

R.S.O. 1960, c. 315

12*p*.—(1) If, at any time after the admission to the Institute of a person as a patient, the Institute finds that such person has real or personal property that requires to be administered, section 18 of *The Psychiatric Hospitals Act* applies *mutatis mutandis*.

Applications under R.S.O. 1960, c. 237, not affected

(2) Nothing in subsection 1 shall be construed as preventing or prohibiting any person from making an application under *The Mental Incompetency Act*.

Charges for services

12*q*. The Board may prescribe and collect charges for its services to a person who is or has been a patient in the Institute.

Limitation of actions

12*r*.—(1) All actions against any person for anything done or omitted to be done in pursuance or in purported pursuance of this Act shall be commenced within six months after the act or omission complained of has been committed, and not afterwards.

Torts of patients

(2) No action lies against the Institute or an officer, employee or servant thereof for a tort of a patient.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Mental Health Foundation Amendment Act, 1965*.

An Act to amend The Ontario
Mental Health Foundation Act, 1960-61

1st Reading

June 2nd, 1965

2nd Reading

June 8th, 1965

3rd Reading

June 21st, 1965

MR. DYMOND

BILL 162

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Liquor Control Act

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1—Subsections 1 and 4. These new definitions will assist in a proper interpretation of the Act.

Subsection 2. The definition is confined to drinkable liquids. Other combinations or mixtures capable of human consumption are being dealt with elsewhere in the Act. See section 41 (2) of this Bill.

Subsection 3. This amendment will allow Ontario wine to be made from apples and other fruits as well as from grapes and cherries.

BILL 162 **1965**

An Act to amend The Liquor Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Liquor Control Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960, c. 217, s. 1, subs. 1, amended

(*a*) "alcohol" means a product of fermentation or distillation of grains, fruits or other agricultural products rectified once or more than once whatever may be the origin thereof, and includes synthetic ethyl alcohol.

(2) Clause *j* of subsection 1 of the said section 1 is amended by striking out "any preparation, combination or mixture capable of human consumption that is alcoholic, spirituous, vinous or fermented" in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof "any drink or drinkable liquid containing alcohol", so that the clause shall read as follows: R.S.O. 1960, c. 217, s. 1, subs. 1, cl. *j*, amended

(*j*) "liquor" means any alcohol, any alcoholic, spirituous, vinous, fermented malt or other liquid, any combination of liquids or mixed liquids a part of which is alcoholic, spirituous, vinous or fermented, any drink or drinkable liquid containing alcohol, and includes wine, Ontario wine, and beer.

(3) Subclause i of clause *l* of subsection 1 of the said section 1 is amended by striking out "or" in the first line and by inserting after "cherries" in the first line "apples or other fruits", so that the subclause shall read as follows: R.S.O. 1960, c. 217, s. 1, subs. 1, cl. *l*, subcl. i, amended

(i) wine produced from grapes, cherries, apples or other fruits grown in Ontario or the concentrated juice

thereof, and includes Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine, or

. . . . .

R.S.O. 1960, c. 217, s. 1, subs. 1, amended

(4) Subsection 1 of the said section 1 is further amended by adding thereto the following clause:

(*ta*) "spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances in solution.

R.S.O. 1960, c. 217, s. 8, subs. 1, cl. *f*, amended

2. Clause *f* of subsection 1 of section 8 of *The Liquor Control Act* is amended by adding at the end thereof "and to erect or cause to be erected any building required for the purposes of this Act and the regulations", so that the clause shall read as follows:

Leasing premises, etc.

(*f*) to lease any land or building required for the purposes of this Act and the regulations, and to erect or cause to be erected any building required for the purposes of this Act and the regulations.

R.S.O. 1960, c. 217, s. 9, subs. 2, cl. *j*, repealed

3.—(1) Clause *j* of subsection 2 of section 9 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 9, subs. 2, cl. *r*, amended

(2) Clause *r* of subsection 2 of the said section 9 is amended by striking out "vendors and brewers shall deliver" in the second and third lines and by inserting after "liquor" in the third line "shall be delivered", so that the clause shall read as follows:

delivery and conveyance of liquor

(*r*) supervising the hours and days upon which, and the manner, methods and means by which, liquor shall be delivered under this Act or the regulations and the hours and days during which, and the manner, methods and means by which, liquor, under this Act or the regulations, may be lawfully conveyed and carried.

R.S.O. 1960, c. 217, s. 9, subs. 2, cl. *t*, amended

(3) Clause *t* of subsection 2 of the said section 9 is amended by striking out "or consumed" in the second and third lines, so that the clause shall read as follows:

conduct, etc., of premises

(*t*) governing the conduct, management and equipment of any premises upon which liquor may be sold under this Act or the regulations.

R.S.O. 1960, c. 217, s. 11, cl. *b*, amended

4. Clause *b* of section 11 of *The Liquor Control Act* is amended by striking out "vendors" in the first line and inserting in lieu thereof "managers".

SECTION 2. This amendment brings the Act into line with practice.

SECTION 3—Subsection 1. An obsolete provision is repealed.

Subsection 2. The expression "vendor" is no longer used; it has been replaced by "manager". In addition, the language of the clause is simplified.

Subsection 3. The words deleted are obsolete in this context.

SECTION 4. See note to subsection 2 of section 3 of this Bill.

SECTION 5. The provision authorizing the Liquor Control Board to expropriate land for its purposes has not been exercised. It is now repealed.

SECTION 6. See note to subsection 2 of section 3 of this Bill.

SECTION 7. Audits of the Liquor Control Board are now done by the Provincial Auditor under section 21 and other provisions of the Act. Section 15 now serves no purpose and is therefore repealed.

Section 16, which provides for the setting aside of Provincial funds for the purchase of liquor supplies for the Liquor Control Board, is obsolete and is therefore repealed.

SECTION 8. See note to section 7 (paragraph 1). This repeal has the same effect.

SECTION 9. This amendment brings the section into line with current audit practices.

SECTION 10. This amendment brings the section into line with current audit practices.

SECTION 11. These provisions, which deal with certain aspects of financing and audit, are obsolete. They are therefore repealed.

SECTION 12. This provision, which authorized vendors to administer oaths in connection with individual permits, is obsolete. It is therefore repealed.

SECTION 13—Subsection 1. The provision repealed reads: "Except with the consent of the Minister, no action or proceeding shall be taken against any member or members or against any official or vendor of the Board for anything done or omitted to be done in or arising out of the performance of his or their duties under this Act or the regulations."

Subsection 2. This amendment provides for a stated case to the Supreme Court of Ontario on questions of law arising out of the Board's actions, orders or decisions.

Subsection 3. The words struck out are redundant. These matters are now covered in *The Proceedings Against the Crown Act, 1962-63.*

SECTION 14. The unnecessary parts of these provisions are deleted as duplicates are kept in the ordinary course of business.

5. Section 12 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 12, repealed

6. Clause *a* of subsection 1 of section 14 of *The Liquor Control Act* is amended by striking out "vendors" in the second line and inserting in lieu thereof "managers". R.S.O. 1960, c. 217, s. 14, subs. 1, cl. *a*, amended

7. Sections 15 and 16 of *The Liquor Control Act* are repealed. R.S.O. 1960, c. 217, ss. 15, 16, repealed

8. Section 19 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 19, repealed

9. Section 20 of *The Liquor Control Act* is amended by striking out "and submit them to the Provincial Auditor for his certification" in the fifth and sixth lines. R.S.O. 1960, c. 217, s. 20, amended

10. Section 21 of *The Liquor Control Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 21, re-enacted

21. The accounts of the Board shall be audited by the Provincial Auditor, and his report, containing such particulars as the Lieutenant Governor in Council requires, shall be made to the Lieutenant Governor in Council on or before the 1st day of January next following the close of the fiscal year for which the report is made. Audit

11. Sections 22 and 23 of *The Liquor Control Act* are repealed. R.S.O. 1960, c. 217, ss. 22, 23, repealed

12. Section 25 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 25, repealed

13.—(1) Subsection 1 of section 26 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 26, subs. 1, repealed

(2) Subsection 2 of the said section 26 is amended by adding at the end thereof "but the Board may state a case on a point of law only as provided from time to time in the *Criminal Code* (Canada). R.S.O. 1960, c. 217, s. 26, subs. 2, amended

(3) Subsection 3 of the said section 26 is amended by striking out "with the consent of the Attorney General" in the first and second lines and by striking out "and no such proceedings shall be taken against or in the names of the members of the Board, and no such proceedings shall abate by reason of any change in the membership of the Board by death, resignation or otherwise, but such proceedings may be continued as though such changes had not occurred" in the sixth to the eleventh lines. R.S.O. 1960, c. 217, s. 26, subs. 3, amended

14.—(1) Subsection 2 of section 27 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 27, subs. 2, repealed

R.S.O. 1960, c. 217, s. 27, subs. 3, amended

(2) Subsection 3 of the said section 27 is amended by striking out "and a duplicate thereof kept as aforesaid" in the second and third lines.

R.S.O. 1960, c. 217, s. 29, amended

15. Section 29 of *The Liquor Control Act* is amended by striking out "in its discretion, and it is not obliged to give any reason or explanation for such refusal, suspension or cancellation" in the fourth, fifth and sixth lines and inserting in lieu thereof "but only after the interested person has been given an opportunity of being heard".

R.S.O. 1960, c. 217, s. 31, amended

16. Section 31 of *The Liquor Control Act* is amended by striking out "vendor" in the third line and inserting in lieu thereof "manager".

R.S.O. 1960, c. 217, s. 32, re-enacted

17. Section 32 of *The Liquor Control Act* is repealed and the following substituted therefor:

Sale of liquor

32.—(1) A manager may sell to any person such liquor as that person is entitled to purchase in conformity with this Act and the regulations.

Delivery of liquor sold

(2) Except as provided by the regulations, no liquor sold under this section shall be delivered until,

(*a*) the purchaser has given an order as prescribed by the regulations setting out the kind and quantity of liquor ordered; and

(*b*) the purchaser has paid for the liquor.

R.S.O. 1960, c. 217, s. 34, amended

18. Section 34 of *The Liquor Control Act* is amended by striking out "employed in a Government store" in the first and second lines and by inserting after "premises" in the third line "of the Board or", so that the section shall read as follows:

Consumption on Board's premises

34. No officer, clerk or servant of the Board shall allow any liquor to be consumed on the premises of the Board or of a Government store nor shall any person consume any liquor on any such premises.

R.S.O. 1960, c. 217, s. 35, repealed

19. Section 35 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 36, subs. 1, re-enacted

20. Subsection 1 of section 36 of *The Liquor Control Act* is repealed and the following substituted therefor:

Delivery to and from Government store

(1) It is lawful to carry or convey liquor to any Government store and to and from any warehouse or depot established by the Board for the purpose of this

SECTION 15. The Board will now be required to give a hearing, if requested, when considering cancelling, etc., any licence or permit. For right to appeal, see section 33 of this Bill.

SECTION 16. The expression "vendor" is no longer used by the Board. It has been replaced by "manager".

SECTION 17. The section is brought into line with present-day practices.

SECTION 18. The prohibition is extended to all premises of the Board.

SECTION 19. This section, which deals with days and hours of sale, will be covered in the regulations which the Board has the power to make under clause *e* of subsection 2 of section 9 of the Act.

SECTION 20. The amendments recognize the change from "vendor" to "manager", and that "liquor" includes "beer".

SECTION 21. The only change in this section is that all references to individual permits are deleted in order to bring it into line with present practice.

SECTION 22. Clause *a*, which dealt with special permits, was unnecessary. It is therefore deleted.

Act and the regulations, and, when permitted so to do by this Act and the regulations and in accordance herewith, it is lawful for any common carrier, or other person, to carry or convey liquor from a Government store to any place in Ontario to which it may be lawfully delivered under this Act and the regulations, but no such common carrier or other person shall open or break, or allow to be opened or broken, any package or vessel containing liquor, or drink or use, or allow to be drunk or used, any liquor therefrom while being so carried or conveyed.

21. Section 37 of *The Liquor Control Act*, as amended by section 2 of *The Liquor Control Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 37, re-enacted

37.—(1) The Board may, subject to the regulations, issue permits for the purchase of liquor. Permits

(2) Upon application in the prescribed form accompanied by payment of the prescribed fee and upon the Board being satisfied that the applicant is entitled to a permit, it may issue, Classes of permits

(*a*) a permit to a druggist, physician, dentist or veterinary or a person engaged in any mechanical or manufacturing business, or in scientific pursuits, requiring liquor for use therein, entitling him to purchase liquor for the purpose named in the permit and in accordance with the terms of the permit;

(*b*) a permit, when authorized by the regulations, entitling the holder to purchase liquor for the purpose named in the permit and in accordance with the terms of the permit.

(3) Any person whose permit has been lost or destroyed may apply to the Board, and, upon the Board being satisfied as to the loss or destruction, it may issue a duplicate permit. Lost or destroyed permits

22. Section 38 of *The Liquor Control Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 38, re-enacted

38. Unless sooner cancelled, every permit expires at midnight on the 31st day of March of the year in respect of which it is issued, except in the case of a permit that, according to its terms, sooner expires. Expiry of permits

R.S.O. 1960, c. 217, s. 39, amended

23. Section 39 of *The Liquor Control Act* is amended by striking out "nor shall the holder of any permit allow any other person to use it" in the second and third lines.

R.S.O. 1960, c. 217, ss. 40, 41, repealed

24. Sections 40 and 41 of *The Liquor Control Act* are repealed.

R.S.O. 1960, c. 217, s. 42, subs. 2, re-enacted

25. Subsection 2 of section 42 of *The Liquor Control Act* is repealed and the following substituted therefor:

Disqualification of premises on conviction

(2) If the occupant of a residence or any member of the family of such occupant is convicted of keeping a disorderly house or of an offence against any of the provisions of this Act or the regulations committed in or in respect of such residence, or in respect of any liquor kept therein or removed therefrom, the justice making the conviction may, in and by the conviction, declare such residence to be a public place for the purposes of this Act and the regulations, and thereupon such residence ceases to be a residence within the meaning of this Act and the regulations for a period of one year after the date of the conviction, but the Board may, when satisfied of a *bona fide* change of ownership or occupation of such residence or when in the opinion of a justice it is desirable to do so, declare such residence to be a residence within the meaning of this Act and the regulations and may grant a certificate to such effect to the new owner or occupant of such residence, and such residence shall, from the date of the granting of such certificate, be a residence and cease to be a public place within the meaning of this Act and the regulations.

R.S.O. 1960, c. 217, ss. 43, 44, repealed

26. Sections 43 and 44 of *The Liquor Control Act* are repealed.

R.S.O. 1960, c. 217, ss. 46, 47, re-enacted

27. Sections 46 and 47 of *The Liquor Control Act* are repealed and the following substituted therefor:

Liquor from outside Ontario

46. A person who is entitled to possess or consume liquor may lawfully possess liquor that was purchased outside Ontario,

(*a*) if the bottles containing the liquor were purchased outside Canada and have been stamped or marked by a Canadian customs officer; or

(*b*) if the liquor was purchased from a liquor board, commission or similar body in any other part of Canada.

SECTION 23. The part repealed refers to individual permits, which are no longer issued.

SECTION 24. Both sections repealed refer to individual permits.

SECTION 25. The intent of the provision is clarified.

SECTION 26. Sections 43 and 44 refer to individual permits, which have been discontinued.

SECTION 27. The intent of section 46 is clarified.

Section 47 is re-enacted in order to substitute "manager" for "vendor" and to delete the references to "brewer's agents".

SECTION 28. The *per diem* fine is raised from $20 to $100.

SECTION 29. A reference to "brewer's agent" is deleted, and the *per diem* fine is increased from $20 to $100.

SECTION 30. The reference to "brewer's agent" is deleted, and the fine is increased from $100 to $500.

SECTION 31. The maximum fine is increased from $100 to $500.

SECTION 32. The purpose of this new section is to clarify the licensing procedures applicable to Ontario wine producers.

47.—(1) The Board, with the approval of the Minister and subject to this Act and the regulations, may issue a licence to any brewer duly authorized under any Act of the Parliament of Canada authorizing the brewer, Brewers' licences

(*a*) to keep for sale and sell beer to the Board;

(*b*) to deliver beer on the order of the Board or of a manager to any person named in the order at the address therein stated;

(*c*) to keep for sale and sell beer under the supervision and control of the Board and in accordance with this Act and the regulations.

(2) No brewer shall keep for sale, sell or deliver beer except as provided in this Act and the regulations. Limitation as to sale

(3) Every brewer shall make to the Board in every month a return in the form that the Board provides showing the gross amount of the sales of beer made by him, but the Board may at any time by notice in writing to a brewer require such a return of sales by the brewer for any period mentioned in the notice, and such return shall be made within three days of the receipt by the brewer of the notice. Returns

28. Section 48 of *The Liquor Control Act* is amended by striking out "$20" in the fourth line and inserting in lieu thereof "$100". R.S.O. 1960, c. 217, s. 48, amended

29. Section 49 of *The Liquor Control Act* is amended by striking out "or brewer's agent" in the first line and by striking out "$20" in the fifth line and inserting in lieu thereof "$100". R.S.O. 1960, c. 217, s. 49, amended

30.—(1) Subsection 1 of section 50 of *The Liquor Control Act* is amended by striking out "or brewer's agent" in the second line. R.S.O. 1960, c. 217, s. 50, subs. 1, amended

(2) Subsection 2 of the said section 50 is amended by striking out "or brewer's agent" in the first line and by striking out "$100" in the fourth line and inserting in lieu thereof "$500". R.S.O. 1960, c. 217, s. 50, subs. 2, amended

31. Section 52 of *The Liquor Control Act* is amended by striking out "$100" in the ninth line and inserting in lieu thereof "$500". R.S.O. 1960, c. 217, s. 52, amended

32. *The Liquor Control Act* is amended by adding thereto the following section: R.S.O. 1960, c. 217, amended

Ontario wine producer's licence

53*a*.—(1) The Board, with the approval of the Minister and subject to this Act and the regulations, may issue a licence to any producer of Ontario wine duly authorized under any Act of the Parliament of Canada, authorizing the producer of Ontario wine,

(*a*) to keep for sale and sell Ontario wine to the Board;

(*b*) to deliver Ontario wine on the order of the Board or of a manager to any person named in the order at the address therein stated; and

(*c*) to keep for sale and sell Ontario wine under the supervision and control of the Board and in accordance with this Act and the regulations.

Prohibited sales

(2) The producer of Ontario wine shall not sell such wine otherwise than is permitted by this Act or the regulations and shall not allow any wine so sold to be consumed upon the premises of such producer.

R.S.O. 1960, c. 217, s. 55, re-enacted

33. Section 55 of *The Liquor Control Act* is repealed and the following substituted therefor:

Cancellation, etc., of licences

55. The Board may, for any cause that it deems sufficient after a hearing, cancel or suspend any licence issued to a brewer, to a producer of Ontario wine or to a distiller, and all right of the brewer, producer of Ontario wine or distiller to sell or deliver liquor thereunder is cancelled or suspended, as the case may be.

Appeal upon cancellation

55*a*. Any holder of a licence or permit that is cancelled under section 29 or 55 may appeal from the order of the Board cancelling the licence or permit, and section 140 applies *mutatis mutandis* to any such appeal.

R.S.O. 1960, c. 217, s. 56, amended

34. Section 56 of *The Liquor Control Act* is amended by striking out "vendor" in the second line and inserting in lieu thereof "manager" and by striking out "special" in the second line.

R.S.O. 1960, c. 217, s. 58, subs. 1, re-enacted

35. Subsection 1 of section 58 of *The Liquor Control Act* is repealed and the following substituted therefor:

Physicians

(1) Any physician, who is lawfully and regularly engaged in the practice of his profession and who deems liquor necessary for the health of a patient of his

SECTION 33. The section is re-enacted in order to: (1) require a hearing by the Board before the suspension or cancellation of a licence of a brewer, distiller or producer of Ontario wine; (2) remove the references to brewer's agents; and (3) remove the reference to "beer", which comes within the definition of liquor.

The new section 55*a* provides for an appeal when a licence is cancelled.

SECTION 34. Self-explanatory.

SECTION 35. The re-enactment effects three changes: (1) "manager" replaces "vendor"; (2) "special" in relation to permits is deleted; and (3) an inconsistency with section 59 (1) is removed.

SECTION 36. Self-explanatory.

SECTIONS 37, 38, 39. Special permits have been discontinued.

SECTION 40. The intent is clarified.

SECTION 41—Subsection 1. The words deleted are superfluous.

Subsection 2. See note to section 1 (3) of this Bill.

whom he has seen or visited professionally, may give to such patient a prescription therefor in the prescribed form, signed by the physician and addressed to a manager, or the physician may administer the liquor to the patient, for which purpose the physician shall administer only such liquor as was purchased by him under a permit pursuant to this Act or the regulations, and he may give to any such patient a prescription for liquor, and supply or sell, subject to the regulations, such liquor to his patient, and may charge for the liquor so administered or sold, but no prescription shall be given nor shall liquor be administered or sold by a physician except to a *bona fide* patient in cases of actual need and when in the judgment of the physician the use of liquor as medicine in the quantity prescribed, administered or sold is necessary.

36. Subsection 1 of section 59 of *The Liquor Control Act* is amended by striking out "vendor" in the first line and inserting in lieu thereof "manager". R.S.O. 1960, c. 217, s. 59, subs. 1, amended

37. Section 60 of *The Liquor Control Act* is amended by striking out "special" in the fifth line and inserting in lieu thereof "a". R.S.O. 1960, c. 217, s. 60, amended

38. Section 61 of *The Liquor Control Act* is amended by striking out "special" in the fifth line and inserting in lieu thereof "a". R.S.O. 1960, c. 217, s. 61, amended

39. Section 62 of *The Liquor Control Act* is amended by striking out "special" in the fourth line and in the sixth line. R.S.O. 1960, c. 217, s. 62, amended

40. Subsection 1 of section 63 of *The Liquor Control Act* is amended by striking out "other person" in the second line and inserting in lieu thereof "producer of Ontario wine". R.S.O. 1960, c. 217, s. 63, subs. 1, amended

41.—(1) Subsection 1 of section 66 of *The Liquor Control Act* is amended by striking out "and liable to the penalties prescribed by subsection 4 of section 106" in the fifth, sixth and seventh lines. R.S.O. 1960, c. 217, s. 66, subs. 1, amended

(2) The said section 66 is amended by adding thereto the following subsection: R.S.O. 1960, c. 217, s. 66, amended

(3) Except as otherwise expressly provided in this Act or the regulations, no person shall have in his possession, sell or keep for sale any preparation, combination or mixture capable of human consumption that contains alcohol. Mixtures containing alcohol

R.S.O. 1960, c. 217, s. 67, subss. 3-5, repealed

42. Subsections 3, 4 and 5 of section 67 of *The Liquor Control Act* are repealed.

R.S.O. 1960, c. 217, s. 68, subs. 2, amended

43. Subsection 2 of section 68 of *The Liquor Control Act* is amended by striking out "$10" in the second line and inserting in lieu thereof "$50" and by striking out "$40" in the third line and inserting in lieu thereof "$200".

R.S.O. 1960, c. 217, s. 69, subs. 1, amended

44.—(1) Subsection 1 of section 69 of *The Liquor Control Act* is amended by striking out "the name of the brewer and" in the fourth and fifth lines, by striking out "other" in the fifth line and by striking out "or otherwise" in the fifth and sixth lines.

R.S.O. 1960, c. 217, s. 69, subs. 2, amended

(2) Subsection 2 of the said section 69 is amended by striking out "$2,000" in the third line and inserting in lieu thereof "$10,000".

R.S.O. 1960, c. 217, s. 70, subs. 2, amended

45. Subsection 2 of section 70 of *The Liquor Control Act* is amended by striking out "a Government vendor" in the third line and inserting in lieu thereof "the Board".

R.S.O. 1960, c. 217, s. 72, subss. 2-4, repealed

46. Subsections 2, 3 and 4 of section 72 of *The Liquor Control Act* are repealed.

R.S.O. 1960, c. 217, s. 73, repealed

47. Section 73 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 77, repealed

48. Section 77 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 78, amended

49. Section 78 of *The Liquor Control Act* is amended by striking out "the authority of a permit or prescription issued under" in the fourth line.

R.S.O. 1960, c. 217, s. 79, re-enacted

50. Section 79 of *The Liquor Control Act* is repealed and the following substituted therefor:

Liquor to be sealed

79. Except where otherwise provided, no liquor shall be kept or had by any person unless the package in which the liquor was purchased was sealed with the official seal prescribed by the regulations.

R.S.O. 1960, c. 217, s. 82, subs. 3, amended

51. Subsection 3 of section 82 of *The Liquor Control Act* is amended by inserting after "shall" in the first line "have" and by striking out "apply for" in the second line, so that the subsection shall read as follows:

Minor prohibited from purchasing liquor

(3) No person under the age of twenty-one years shall have, consume, attempt to purchase, purchase or otherwise obtain liquor.

SECTION 42. The provisions repealed are obsolete because the Board now maintains its own laboratory under the charge of a provincial analyst.

SECTION 43. The minimum and maximum fines are increased.

SECTION 44—Subsection 1. The words deleted are superfluous.

Subsection 2. The fine is increased from $2,000 to $10,000.

SECTION 45. The nomenclature is brought up to date.

SECTIONS 46 and 47. The provisions repealed are concerned with individual permits, the use of which has been discontinued.

SECTION 48. This section is redundant because of section 34. It is therefore repealed.

SECTION 49. The section is brought up to date by deleting obsolete terms.

SECTION 50. The intent is clarified. For the new provisions as to seizure, see section 67 of this Bill.

SECTION 51. The language is brought up to date.

SECTION 52. The section repealed is obsolete, as individual permits are no longer issued.

SECTION 53. The purpose of making this type of order an order of interdiction is to provide an appeal for any person aggrieved by such an order. The method of appeal from an order of interdiction is provided in section 100 of the Act.

In addition, the nomenclature of the section is brought up to date by substituting "manager" for "vendor", etc.

52. Section 83 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 83, repealed

53. Section 84 of *The Liquor Control Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 84, re-enacted

84.—(1) Notwithstanding anything in this Act or the regulations, the Board may, by order of interdiction signed by the Chief Commissioner or the Deputy Chief Commissioner, prohibit any person from purchasing, having, giving or consuming any liquor, and any such person who contravenes such order of interdiction is guilty of an offence. Orders of interdiction as to purchase, etc., of liquor

(2) Notwithstanding anything in this Act or the regulations, where an order of interdiction is made against a person under subsection 1, all liquor and original liquor containers in his possession or under seizure at the date of the order of interdiction shall be delivered forthwith to the Board, which shall pay to him the value of any such liquor purchased in accordance with this Act. Idem

(3) The Board may, by order of interdiction signed by the Chief Commissioner or the Deputy Chief Commissioner, prohibit a manager, brewer, producer of Ontario wine, holder of a licence under *The Liquor Licence Act* or other person from supplying either directly or indirectly liquor to any person against whom an order of interdiction has been issued pursuant to subsection 1, and any such manager, brewer, producer of Ontario wine, holder of a licence under *The Liquor Licence Act* or other person who knowingly contravenes any such order of interdiction is guilty of an offence. Supplying, etc., liquor to interdicted persons R.S.O. 1960, c. 218

(4) The Board may, by order of interdiction signed by the Chief Commissioner or the Deputy Chief Commissioner, prescribe the kinds and quantities of liquor that may be sold to any person by a manager, brewer, producer of Ontario wine, holder of a licence under *The Liquor Licence Act* or other person under this Act or the regulations, and any person who knowingly contravenes the provisions of any such order of interdiction is guilty of an offence. Idem R.S.O. 1960, c. 218

(5) Service of the orders of interdiction of the Board mentioned in subsections 1, 3 and 4 is effective if forwarded by registered mail to the last known address of the person against whom the order of interdiction is made. Service of orders

R.S.O. 1960, c. 217, s. 86, re-enacted

54. Section 86 of *The Liquor Control Act* is repealed and the following substituted therefor:

Interdicted persons at Government store

86. Every interdicted person who is found upon the premises of a Government store is guilty of an offence.

R.S.O. 1960, c. 217, s. 87, repealed

55. Section 87 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 88, re-enacted

56. Section 88 of *The Liquor Control Act*, as amended by section 3 of *The Liquor Control Amendment Act, 1961-62*, is repealed and the following substituted therefor:

False statements in orders prohibited

88. No person shall, upon an order referred to in clause *a* of subsection 2 of section 32 or upon a proof-of-age certificate, use any name other than his own or make any other false statement.

R.S.O. 1960, c. 217, s. 90, re-enacted

57. Section 90 of *The Liquor Control Act* is repealed and the following substituted therefor:

Possession of liquor R.S.O. 1960, c. 218

90.—(1) Except as authorized by this Act or *The Liquor Licence Act*, no person shall have any liquor in his possession.

Consumption of liquor

(2) No person shall consume in his residence any liquor that has not been had or acquired by him under this Act or the regulations.

R.S.O. 1960, c. 217, s. 91, subs. 1, cl. *b*, amended

58.—(1) Clause *b* of subsection 1 of section 91 of *The Liquor Control Act* is amended by striking out "and has baggage and personal effects belonging to him in the hotel" in the fourth and fifth lines, so that the clause shall read as follows:

(*b*) shall keep or have any liquor in any room in an hotel unless he is a *bona fide* guest of the hotel and is duly registered in the office of the hotel as an occupant of that room.

R.S.O. 1960, c. 217, s. 91, subss. 2-5, repealed

(2) Subsections 2, 3, 4 and 5 of the said section 91 are repealed.

R.S.O. 1960, c. 217, s. 96, repealed

59. Section 96 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 97, subs. 1, re-enacted

60. Subsection 1 of section 97 of *The Liquor Control Act* is repealed and the following substituted therefor:

SECTION 54. All references to individual permits are deleted as the system has been discontinued.

SECTION 55. The section provided for the issue of a new individual permit to a person whose permit had been cancelled. The section is obsolete as the individual permit system has been discontinued.

SECTION 56. All references to individual permits are deleted.

SECTION 57. All references to individual permits are deleted.

SECTION 58—Subsection 1. The requirement that a registered guest in a hotel must have baggage in order to have liquor legally in his room is deleted.

Subsection 2. The provisions repealed allowed a hotel proprietor to apply to the Board to have the hotel declared a public place for the purposes of the Act.

SECTION 59. The section repealed, which allowed producers of Ontario wine to keep and offer for sale wines in quantities permitted by the Board, is no longer necessary. The new section 53*a* of the Act (section 32 of this Bill) covers the situation.

SECTION 60. The authority to make interdiction orders is extended to judges of juvenile and family courts and justices (i.e., magistrates). At the present time, such orders can be made only by county and district court judges.

SECTION 61. The references to individual permits in section 99 are deleted, as the system has been discontinued. Section 100 is brought into line with section 97 by adding judges of juvenile and family courts and justices (i.e., magistrates) to those who may revoke interdiction orders.

SECTION 62. The section repealed dealt with charging persons as second offenders, which practice is being abolished.

SECTION 63. The fine is increased.

(1) Where it is made to appear to the satisfaction of the judge of a county or district court, the judge of a juvenile and family court or a justice that a person, resident or sojourning in Ontario, by excessive drinking of liquor, misspends, wastes or lessens his estate, or injures his health, or interrupts the peace and happiness of his family, the judge or justice may make an order of interdiction prohibiting the sale of liquor to him until further ordered, and the judge or justice shall cause the order of interdiction to be forthwith filed with the Board. Interdiction orders

61. Sections 99 and 100 of *The Liquor Control Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 217, ss. 99, 100, re-enacted

99. Upon receipt of an order of interdiction, the Board shall notify the interdicted person and all managers, and such other persons as are provided for by the regulations, of the order of interdiction. Notice of interdiction orders

100.—(1) Upon an application to a judge, the judge of a juvenile and family court or a justice by a person in respect of whom an order of interdiction has been made, and upon it being made to appear to the satisfaction of the judge or justice that the circumstances of the case did not warrant the making of the order of interdiction or upon proof that the interdicted person has refrained from drunkenness for at least the twelve months immediately preceding the application, the judge or justice may by order set aside the order of interdiction, and the interdicted person may be restored to all his rights under this Act and the regulations, and the Board shall accordingly forthwith notify all managers and such other persons as are provided for by the regulations. Revocation of interdiction orders

(2) The applicant shall, at least ten clear days before the application, give notice thereof to the Board, in writing served upon the Board, and to such other persons as the judge or justice directs. Notice of application

62. Section 102 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 102, repealed

63. Section 103 of *The Liquor Control Act* is amended by striking out "$5,000" in the fifth line and inserting in lieu thereof "not less than $5,000 and not more than $25,000", so that the section shall read as follows: R.S.O. 1960, c. 217, s. 103, amended

Illegal selling by brewers, distillers

103. Every brewer, distiller or manufacturer who is convicted of keeping for sale or selling liquor by himself, or by his clerk, servant, agent or employee, contrary to this Act or the regulations is guilty of an offence and liable to a fine of not less than $5,000 and not more than $25,000.

R.S.O. 1960, c. 217, ss. 104, 105, re-enacted

64. Sections 104 and 105 of *The Liquor Control Act* are repealed and the following substituted therefor:

Penalties, s. 75

104. Every person who contravenes any of the provisions of section 75 is guilty of an offence and liable to a fine of not more than $2,000 or to imprisonment for a term of not more than six months, or to both.

Penalties, ss. 82 (1), 85

105. Every person who contravenes any provision of subsection 1 of section 82 or section 85 is guilty of an offence and liable to a fine of not more than $3,000 or to imprisonment for a term of not more than six months, or to both.

R.S.O. 1960, c. 217, s. 106, subss. 1, 2, re-enacted; subss. 3-5, repealed

65.—(1) Subsections 1, 2, 3, 4 and 5 of section 106 of *The Liquor Control Act* are repealed and the following substituted therefor:

Penalties, ss. 42, 66, 70 (1), 72 (1), 74, 82 (2, 3), 93

(1) Every person who contravenes any provision of section 42 or 66, subsection 1 of section 70, subsection 1 of section 72, section 74, subsections 2 and 3 of section 82 or section 93 is guilty of an offence and liable to a fine of not more than $2,000 or to imprisonment for a term of not more than six months, or to both.

Idem, s. 88

(2) Every person who contravenes any provision of section 88 is guilty of an offence and liable to a fine of not less than $100 and not more than $500 or to imprisonment for a term of not more than two months, or to both.

R.S.O. 1960, c. 217, s. 106, subs. 6, amended

(2) Subsection 6 of the said section 106 is amended by striking out "$1,000" in the third line and inserting in lieu thereof "$5,000" and by striking out "$3,000" in the third line and inserting in lieu thereof "$25,000", so that the subsection shall read as follows:

Corporations

(6) If the offender convicted of an offence referred to in this section is a corporation, it is liable to a fine of not less than $5,000 and not more than $25,000.

SECTIONS 64 and 65. Fines and optional imprisonment are substituted for the present mandatory terms of imprisonment, and the fine applicable to corporations is increased.

SECTION 66. The general penalty is increased, both for individuals and corporations.

SECTION 67. The section repealed provides that, where an offence is committed by a corporation, the officer or agent of the corporation in charge of the premises in which the offence is committed is deemed to be *prima facie* a party to the offence and is personally liable to the penalties.

SECTIONS 68 and 69. Sections 110 and 112-116 of the present Act contain the powers and procedures with respect to "search and seizure". These are now collected in simplified form in the new section 110.

A new feature is that the "reasonable grounds for belief" test is substituted for the present "suspects or believes" test.

66. Section 107 of *The Liquor Control Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 107, re-enacted

107.—(1) Every person who is guilty of an offence against this Act for which no penalty has been specifically provided is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than three months, or to both. General penalty

(2) If the offender convicted of an offence referred to in this section is a corporation, it is liable to a fine of not less than $5,000 and not more than $25,000. Corporations

67. Section 109 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 109, repealed

68. Section 110 of *The Liquor Control Act*, as amended by section 5 of *The Liquor Control Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 110, re-enacted

110.—(1) A constable or other police officer may at any time, Search

(*a*) without a warrant, enter and search any vehicle or other conveyance in which he has reasonable grounds to believe that liquor is unlawfully kept or had, or kept or had for unlawful purposes, and search any person found in such vehicle or other conveyance;

(*b*) under the authority of a warrant issued under subsection 3, enter and search any residence, building or place in which he has reasonable grounds to believe that liquor is unlawfully kept or had, or kept or had for unlawful purposes, and search any person found in such residence, building or place.

(2) A constable or other police officer who has made a search under subsection 1 may at any time seize and take away, Seizure

(*a*) any liquor and packages in which the liquor is kept;

(*b*) any book, paper or thing that he reasonably believes may be evidence of the commission of an offence against this Act; and

(*c*) any vehicle or other conveyance in which the liquor is found.

Search warrant

(3) A justice or a justice of the peace who is satisfied by information upon oath that there are reasonable grounds for believing that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any residence, building or place may issue a warrant under his hand authorizing a constable or other police officer named therein at any time, including Sunday or other holiday, and by day or by night, to enter the residence, building or place and search for liquor, and, for the purpose of exercising his authority under this subsection, a constable or other police officer may, with such assistance as he deems necessary, break open any door, window, lock, fastener, floor, wall, ceiling, compartment, plumbing fixture, box, container or any other thing.

Application for restoration

(4) Where liquor or any other thing, except a vehicle or other conveyance, has been seized under subsection 2, any person may within thirty days from the date of such seizure apply to a justice within whose territorial jurisdiction the seizure was made for an order of restoration under subsection 5.

Order for restoration

(5) Where upon the hearing of an application under subsection 4 the justice is satisfied that,

(*a*) the applicant is entitled to possession of the liquor or other thing seized; and

(*b*) the liquor or other thing seized is not required as evidence in any proceedings in respect of an offence under this Act,

he shall order that the liquor or other thing seized be restored forthwith to the applicant, and, where the justice is satisfied that the applicant is entitled to the possession of the liquor or other thing seized but is not satisfied as to the matter mentioned in clause *b*, he shall order that the liquor or other thing seized be restored to the applicant,

(*c*) upon the expiration of three months from the date of the seizure, if no proceedings in respect of an offence under this Act have been commenced; or

(*d*) upon the final conclusion of any such proceedings.

SECTION 70. Complementary to the amendments made in sections 68 and 69 of this Bill.

SECTION 71. The section being repealed reads:

127. In a prosecution under this Act for the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing or consuming of liquor, it is not necessary that any witness should depose to the precise description or quantity of the liquor sold, disposed of, kept, had, given, purchased or consumed, or the precise consideration, if any, received therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal or certain knowledge, but the justice trying the case, so soon as it appears to him that the circumstances in evidence sufficiently establish the offence complained of, shall put the defendant on his defence, and, in default of his rebuttal of such evidence to the satisfaction of the justice, convict him accordingly.

SECTION 72. References to gifts of liquor are deleted, as gifts are now legal under certain circumstances under section 45 of the Act.

(6) Where no application has been made for the return of any liquor or other thing seized under subsection 2 or an application has been made but upon the hearing thereof no order of restoration has been made, the liquor or other thing seized is forfeited to Her Majesty. Forfeiture

(7) Where a person is convicted of an offence under this Act, any liquor or other thing seized under subsection 2 by means of which the offence was committed is forfeited to Her Majesty. Idem

(8) Where a person is convicted of an offence under this Act, the justice may order that any vehicle or other conveyance seized under subsection 2 that has been proved to have been used in any manner in connection with the offence be forfeited, and upon such order being made the vehicle or conveyance is forfeited to Her Majesty. Idem, vehicles, etc.

(9) *The Fines and Forfeitures Act* applies in the case of any vehicle or other conveyance that is forfeited under subsection 8, except that an application under that Act shall not be made by the person convicted of the offence that resulted in the forfeiture or by a person in whose possession the vehicle or other conveyance was when seized under subsection 2. Application of R.S.O. 1960, c. 143

69. Sections 112, 113, 114, 115 and 116 of *The Liquor Control Act* are repealed. R.S.O. 1960, c. 217, ss. 112-116, repealed

70. Subsections 1 and 2 of section 117 of *The Liquor Control Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 117, subs. 1, re-enacted; subs. 2, repealed

(1) All forfeited liquor shall forthwith be delivered to the Board and shall be destroyed. Delivery of forfeited liquor to Board

71. Section 127 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 127, repealed

72. Section 128 of *The Liquor Control Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 128, re-enacted

128. In proving the sale, disposal, purchase or consumption of liquor, it is not necessary in any prosecution to show that money actually passed or liquor was actually consumed if the justice hearing the case is satisfied that a transaction in the nature of a sale, disposal or purchase actually took place, or that any consumption of liquor was about to take place, and proof of consumption or intended consumption of liquor on premises on which such consumption is Evidence of sale, etc.

prohibited is evidence that such liquor was sold or purchased by the person consuming, or being about to consume, or carrying away, such liquor, as against the occupant of such premises.

R.S.O. 1960, c. 217, amended

73. *The Liquor Control Act* is amended by adding thereto the following section:

Certificates

129*a*. In a prosecution under this Act, the production of a certificate of cancellation or suspension of a permit or a certified copy of an order of interdiction is *prima facie* evidence of the cancellation or suspension of the permit or of the issuing of the order, as the case may be, without proof of the signature or official character of the person by whom it purports to be signed.

R.S.O. 1960, c. 217, ss. 133, 134, repealed

74. Sections 133 and 134 of *The Liquor Control Act* are repealed.

R.S.O. 1960, c. 217, s. 135, repealed

75. Section 135 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 138, repealed

76. Section 138 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 140, subs. 3, repealed

77.—(1) Subsection 3 of section 140 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 140, subs. 8, amended

(2) Subsection 8 of the said section 140 is amended by striking out "and affidavit of the appellant" in the eighth and ninth lines.

R.S.O. 1960, c. 217, s. 140, subs. 9, item 1, re-enacted

(3) Item 1 of the Certificate of Justice in subsection 9 of the said section 140 is repealed and the following substituted therefor:

1. Notice of appeal.

R.S.O. 1960, c. 217, s. 140, subs. 15, repealed

(4) Subsection 15 of the said section 140 is repealed.

R.S.O. 1960, c. 217, s. 142, re-enacted

78. Section 142 of *The Liquor Control Act* is repealed and the following substituted therefor:

General purpose of Act

142. The purpose of this Act and the regulations is to prohibit transactions in liquor except under Government control through the instrumentality of the Board, and to provide the means by which such Government control shall be made effective.

Commencement

79. This Act comes into force on the day it receives Royal Assent.

Short title

80. This Act may be cited as *The Liquor Control Amendment Act, 1965*.

SECTION 73. This provision was formerly section 133 (2). It is transferred to a more appropriate place in the Act.

SECTION 74. The sections being repealed are the sections under which the onus of proof is on the accused person to prove his innocence. They read as follows:

133.—(1) If, on the prosecution of a person charged with committing an offence against this Act or the regulations in selling or keeping for sale or giving or keeping or having or purchasing or receiving of liquor, *prima facie* proof is given that such person had in his possession or charge or control any liquor in respect of or concerning which he is being prosecuted, then, unless such person proves that he did not commit the offence with which he is so charged, he may be convicted of the offence.

(2) In the prosecution of a person charged with an offence against this Act or the regulations, the production of a certificate of cancellation or suspension of permit signed by a member of the Board is *prima facie* evidence of the cancellation or suspension of the permit mentioned in the certificate.

134.—(1) The burden of proving the right to have or keep or sell or give or purchase or consume liquor is on the person accused of improperly or unlawfully having or keeping or selling or giving or purchasing or consuming liquor.

(2) The burden of proving that a prescription or administration of liquor is *bona fide* and for medical purposes only is upon the person who prescribes or administers the liquor, or causes the liquor to be administered, and a justice trying a case has the right to draw inferences of fact from the frequency with which similar prescriptions are given and from the amount of liquor prescribed or administered and from the circumstances under which it is prescribed or administered.

SECTION 75. These provisions, which permitted a prosecutor to charge previous convictions in an information, are repealed.

SECTION 76. The section being repealed reads:

138.—(1) No order or warrant based upon a conviction, and no search warrant, shall upon any application by way of *certiorari* or motion to quash or *habeas corpus* be held insufficient or invalid for any irregularity, informality or insufficiency therein or by reason of any defect of form or substance.

(2) The court or judge hearing any such application may amend the order, warrant or search warrant as justice requires.

SECTION 77. The subsections repealed read:

(3) There shall be delivered to the convicting justice, with such notice of appeal, an affidavit of the person convicted complying with the requirements set out in subsection 15.

. . . . . .

(15) No appeal lies from a conviction for a contravention of any of the provisions of this Act or the regulations unless the party appealing delivers to the justice who tried the case, with his notice of appeal, an affidavit that he did not by himself or by his agent, servant or employee or any other person with his knowledge or consent commit the offence charged in the information, and such affidavit shall negative the charge in the terms used in the conviction, and shall further negative the commission of the offence by the agent, servant or employee of the accused or any other person with his knowledge or consent, which affidavit shall be transmitted with the conviction and other papers to the judge to whom the appeal is made, but, where the appeal is only as against the penalty imposed by the justice, the affidavit required by this section is not necessary, and, if the party appealing is a corporation, the affidavit may be made by the president, secretary or any other officer or employee of the corporation having knowledge of the facts.

SECTION 78. Redundancies in language are removed.

1st Reading

June 2nd, 1965

2nd Reading

3rd Reading

MR. YAREMKO

1965

BILL 162

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Liquor Control Act

MR. YAREMKO

TORONTO
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BILL 162 **1965**

An Act to amend The Liquor Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Liquor Control Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960, c. 217, s. 1, subs. 1, amended

(*a*) "alcohol" means a product of fermentation or distillation of grains, fruits or other agricultural products rectified once or more than once whatever may be the origin thereof, and includes synthetic ethyl alcohol.

(2) Clause *j* of subsection 1 of the said section 1 is amended by striking out "any preparation, combination or mixture capable of human consumption that is alcoholic, spirituous, vinous or fermented" in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof "any drink or drinkable liquid containing alcohol", so that the clause shall read as follows: R.S.O. 1960, c. 217, s. 1, subs. 1, cl. *j*, amended

(*j*) "liquor" means any alcohol, any alcoholic, spirituous, vinous, fermented malt or other liquid, any combination of liquids or mixed liquids a part of which is alcoholic, spirituous, vinous or fermented, any drink or drinkable liquid containing alcohol, and includes wine, Ontario wine, and beer.

(3) Subclause i of clause *l* of subsection 1 of the said section 1 is amended by striking out "or" in the first line and by inserting after "cherries" in the first line "apples or other fruits", so that the subclause shall read as follows: R.S.O. 1960, c. 217, s. 1, subs. 1, cl. *l*, subcl. i, amended

(i) wine produced from grapes, cherries, apples or other fruits grown in Ontario or the concentrated juice

thereof, and includes Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine, or

. . . . .

R.S.O. 1960, c. 217, s. 1, subs. 1, amended

(4) Subsection 1 of the said section 1 is further amended by adding thereto the following clause:

(*ta*) "spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances in solution.

R.S.O. 1960, c. 217, s. 8, subs. 1, cl. *f*, amended

2. Clause *f* of subsection 1 of section 8 of *The Liquor Control Act* is amended by adding at the end thereof "and to erect or cause to be erected any building required for the purposes of this Act and the regulations", so that the clause shall read as follows:

Leasing premises, etc.

(*f*) to lease any land or building required for the purposes of this Act and the regulations, and to erect or cause to be erected any building required for the purposes of this Act and the regulations.

R.S.O. 1960, c. 217, s. 9, subs. 2, cl. *j*, repealed

3.—(1) Clause *j* of subsection 2 of section 9 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 9, subs. 2, cl. *r*, amended

(2) Clause *r* of subsection 2 of the said section 9 is amended by striking out "vendors and brewers shall deliver" in the second and third lines and by inserting after "liquor" in the third line "shall be delivered", so that the clause shall read as follows:

delivery and conveyance of liquor

(*r*) supervising the hours and days upon which, and the manner, methods and means by which, liquor shall be delivered under this Act or the regulations and the hours and days during which, and the manner, methods and means by which, liquor, under this Act or the regulations, may be lawfully conveyed and carried.

R.S.O. 1960, c. 217, s. 9, subs. 2, cl. *t*, amended

(3) Clause *t* of subsection 2 of the said section 9 is amended by striking out "or consumed" in the second and third lines, so that the clause shall read as follows:

conduct, etc., of premises

(*t*) governing the conduct, management and equipment of any premises upon which liquor may be sold under this Act or the regulations.

R.S.O. 1960, c. 217, s. 11, cl. *b*, amended

4. Clause *b* of section 11 of *The Liquor Control Act* is amended by striking out "vendors" in the first line and inserting in lieu thereof "managers".

5. Section 12 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 12, repealed

6. Clause *a* of subsection 1 of section 14 of *The Liquor Control Act* is amended by striking out "vendors" in the second line and inserting in lieu thereof "managers". R.S.O. 1960, c. 217, s. 14, subs. 1, cl. *a*, amended

7. Sections 15 and 16 of *The Liquor Control Act* are repealed. R.S.O. 1960, c. 217, ss. 15, 16, repealed

8. Section 19 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 19, repealed

9. Section 20 of *The Liquor Control Act* is amended by striking out "and submit them to the Provincial Auditor for his certification" in the fifth and sixth lines. R.S.O. 1960, c. 217, s. 20, amended

10. Section 21 of *The Liquor Control Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 21, re-enacted

21. The accounts of the Board shall be audited by the Provincial Auditor, and his report, containing such particulars as the Lieutenant Governor in Council requires, shall be made to the Lieutenant Governor in Council on or before the 1st day of January next following the close of the fiscal year for which the report is made. Audit

11. Sections 22 and 23 of *The Liquor Control Act* are repealed. R.S.O. 1960, c. 217, ss. 22, 23, repealed

12. Section 25 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 25, repealed

13.—(1) Subsection 1 of section 26 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 26, subs. 1, repealed

(2) Subsection 2 of the said section 26 is amended by adding at the end thereof "but the Board may state a case on a point of law only as provided from time to time in the *Criminal Code* (Canada). R.S.O. 1960, c. 217, s. 26, subs. 2, amended

(3) Subsection 3 of the said section 26 is amended by striking out "with the consent of the Attorney General" in the first and second lines and by striking out "and no such proceedings shall be taken against or in the names of the members of the Board, and no such proceedings shall abate by reason of any change in the membership of the Board by death, resignation or otherwise, but such proceedings may be continued as though such changes had not occurred" in the sixth to the eleventh lines. R.S.O. 1960, c. 217, s. 26, subs. 3, amended

14.—(1) Subsection 2 of section 27 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 27, subs. 2, repealed

R.S.O. 1960, c. 217, s. 27, subs. 3, amended

(2) Subsection 3 of the said section 27 is amended by striking out "and a duplicate thereof kept as aforesaid" in the second and third lines.

R.S.O. 1960, c. 217, s. 29, amended

15. Section 29 of *The Liquor Control Act* is amended by striking out "in its discretion, and it is not obliged to give any reason or explanation for such refusal, suspension or cancellation" in the fourth, fifth and sixth lines and inserting in lieu thereof "but only after the interested person has been given an opportunity of being heard".

R.S.O. 1960, c. 217, s. 31, amended

16. Section 31 of *The Liquor Control Act* is amended by striking out "vendor" in the third line and inserting in lieu thereof "manager".

R.S.O. 1960, c. 217, s. 32, re-enacted

17. Section 32 of *The Liquor Control Act* is repealed and the following substituted therefor:

Sale of liquor

32.—(1) A manager may sell to any person such liquor as that person is entitled to purchase in conformity with this Act and the regulations.

Delivery of liquor sold

(2) Except as provided by the regulations, no liquor sold under this section shall be delivered until,

(*a*) the purchaser has given an order as prescribed by the regulations setting out the kind and quantity of liquor ordered; and

(*b*) the purchaser has paid for the liquor.

R.S.O. 1960, c. 217, s. 34, amended

18. Section 34 of *The Liquor Control Act* is amended by striking out "employed in a Government store" in the first and second lines and by inserting after "premises" in the third line "of the Board or", so that the section shall read as follows:

Consumption on Board's premises

34. No officer, clerk or servant of the Board shall allow any liquor to be consumed on the premises of the Board or of a Government store nor shall any person consume any liquor on any such premises.

R.S.O. 1960, c. 217, s. 35, repealed

19. Section 35 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 36, subs. 1, re-enacted

20. Subsection 1 of section 36 of *The Liquor Control Act* is repealed and the following substituted therefor:

Delivery to and from Government store

(1) It is lawful to carry or convey liquor to any Government store and to and from any warehouse or depot established by the Board for the purpose of this

Act and the regulations, and, when permitted so to do by this Act and the regulations and in accordance herewith, it is lawful for any common carrier, or other person, to carry or convey liquor from a Government store to any place in Ontario to which it may be lawfully delivered under this Act and the regulations, but no such common carrier or other person shall open or break, or allow to be opened or broken, any package or vessel containing liquor, or drink or use, or allow to be drunk or used, any liquor therefrom while being so carried or conveyed.

21. Section 37 of *The Liquor Control Act*, as amended by section 2 of *The Liquor Control Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 37, re-enacted

37.—(1) The Board may, subject to the regulations, issue permits for the purchase of liquor. Permits

(2) Upon application in the prescribed form accompanied by payment of the prescribed fee and upon the Board being satisfied that the applicant is entitled to a permit, it may issue, Classes of permits

(*a*) a permit to a druggist, physician, dentist or veterinary or a person engaged in any mechanical or manufacturing business, or in scientific pursuits, requiring liquor for use therein, entitling him to purchase liquor for the purpose named in the permit and in accordance with the terms of the permit;

(*b*) a permit, when authorized by the regulations, entitling the holder to purchase liquor for the purpose named in the permit and in accordance with the terms of the permit.

(3) Any person whose permit has been lost or destroyed may apply to the Board, and, upon the Board being satisfied as to the loss or destruction, it may issue a duplicate permit. Lost or destroyed permits

22. Section 38 of *The Liquor Control Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 38, re-enacted

38. Unless sooner cancelled, every permit expires at midnight on the 31st day of March of the year in respect of which it is issued, except in the case of a permit that, according to its terms, sooner expires. Expiry of permits

R.S.O. 1960, c. 217, s. 39, amended

23. Section 39 of *The Liquor Control Act* is amended by striking out "nor shall the holder of any permit allow any other person to use it" in the second and third lines.

R.S.O. 1960, c. 217, ss. 40, 41, repealed

24. Sections 40 and 41 of *The Liquor Control Act* are repealed.

R.S.O. 1960, c. 217, s. 42, subs. 2, re-enacted

25. Subsection 2 of section 42 of *The Liquor Control Act* is repealed and the following substituted therefor:

Disqualification of premises on conviction

(2) If the occupant of a residence or any member of the family of such occupant is convicted of keeping a disorderly house or of an offence against any of the provisions of this Act or the regulations committed in or in respect of such residence, or in respect of any liquor kept therein or removed therefrom, the justice making the conviction may, in and by the conviction, declare such residence to be a public place for the purposes of this Act and the regulations, and thereupon such residence ceases to be a residence within the meaning of this Act and the regulations for a period of one year after the date of the conviction, but the Board may, when satisfied of a *bona fide* change of ownership or occupation of such residence or when in the opinion of a justice it is desirable to do so, declare such residence to be a residence within the meaning of this Act and the regulations and may grant a certificate to such effect to the new owner or occupant of such residence, and such residence shall, from the date of the granting of such certificate, be a residence and cease to be a public place within the meaning of this Act and the regulations.

R.S.O. 1960, c. 217, ss. 43, 44, repealed

26. Sections 43 and 44 of *The Liquor Control Act* are repealed.

R.S.O. 1960, c. 217, ss. 46, 47, re-enacted

27. Sections 46 and 47 of *The Liquor Control Act* are repealed and the following substituted therefor:

Liquor from outside Ontario

46. A person who is entitled to possess or consume liquor may lawfully possess liquor that was purchased outside Ontario,

(*a*) if the bottles containing the liquor were purchased outside Canada and have been stamped or marked by a Canadian customs officer; or

(*b*) if the liquor was purchased from a liquor board, commission or similar body in any other part of Canada.

47.—(1) The Board, with the approval of the Minister and subject to this Act and the regulations, may issue a licence to any brewer duly authorized under any Act of the Parliament of Canada authorizing the brewer, Brewers' licences

(*a*) to keep for sale and sell beer to the Board;

(*b*) to deliver beer on the order of the Board or of a manager to any person named in the order at the address therein stated;

(*c*) to keep for sale and sell beer under the supervision and control of the Board and in accordance with this Act and the regulations.

(2) No brewer shall keep for sale, sell or deliver beer except as provided in this Act and the regulations. Limitation as to sale

(3) Every brewer shall make to the Board in every month a return in the form that the Board provides showing the gross amount of the sales of beer made by him, but the Board may at any time by notice in writing to a brewer require such a return of sales by the brewer for any period mentioned in the notice, and such return shall be made within three days of the receipt by the brewer of the notice. Returns

28. Section 48 of *The Liquor Control Act* is amended by striking out "$20" in the fourth line and inserting in lieu thereof "$100". R.S.O. 1960, c. 217, s. 48, amended

29. Section 49 of *The Liquor Control Act* is amended by striking out "or brewer's agent" in the first line and by striking out "$20" in the fifth line and inserting in lieu thereof "$100". R.S.O. 1960, c. 217, s. 49, amended

30.—(1) Subsection 1 of section 50 of *The Liquor Control Act* is amended by striking out "or brewer's agent" in the second line. R.S.O. 1960, c. 217, s. 50, subs. 1, amended

(2) Subsection 2 of the said section 50 is amended by striking out "or brewer's agent" in the first line and by striking out "$100" in the fourth line and inserting in lieu thereof "$500". R.S.O. 1960, c. 217, s. 50, subs. 2, amended

31. Section 52 of *The Liquor Control Act* is amended by striking out "$100" in the ninth line and inserting in lieu thereof "$500". R.S.O. 1960, c. 217, s. 52, amended

32. *The Liquor Control Act* is amended by adding thereto the following section: R.S.O. 1960, c. 217, amended

Ontario wine producer's licence

53*a*.—(1) The Board, with the approval of the Minister and subject to this Act and the regulations, may issue a licence to any producer of Ontario wine duly authorized under any Act of the Parliament of Canada, authorizing the producer of Ontario wine,

(*a*) to keep for sale and sell Ontario wine to the Board;

(*b*) to deliver Ontario wine on the order of the Board or of a manager to any person named in the order at the address therein stated; and

(*c*) to keep for sale and sell Ontario wine under the supervision and control of the Board and in accordance with this Act and the regulations.

Prohibited sales

(2) The producer of Ontario wine shall not sell such wine otherwise than is permitted by this Act or the regulations and shall not allow any wine so sold to be consumed upon the premises of such producer.

R.S.O. 1960, c. 217, s. 55, re-enacted

33. Section 55 of *The Liquor Control Act* is repealed and the following substituted therefor:

Cancellation, etc., of licences

55. The Board may, for any cause that it deems sufficient after a hearing, cancel or suspend any licence issued to a brewer, to a producer of Ontario wine or to a distiller, and all right of the brewer, producer of Ontario wine or distiller to sell or deliver liquor thereunder is cancelled or suspended, as the case may be.

Appeal upon cancellation

55*a*. Any holder of a licence or permit that is cancelled under section 29 or 55 may appeal from the order of the Board cancelling the licence or permit, and section 140 applies *mutatis mutandis* to any such appeal.

R.S.O. 1960, c. 217, s. 56, amended

34. Section 56 of *The Liquor Control Act* is amended by striking out "vendor" in the second line and inserting in lieu thereof "manager" and by striking out "special" in the second line.

R.S.O. 1960, c. 217, s. 58, subs. 1, re-enacted

35. Subsection 1 of section 58 of *The Liquor Control Act* is repealed and the following substituted therefor:

Physicians

(1) Any physician, who is lawfully and regularly engaged in the practice of his profession and who deems liquor necessary for the health of a patient of his

whom he has seen or visited professionally, may give to such patient a prescription therefor in the prescribed form, signed by the physician and addressed to a manager, or the physician may administer the liquor to the patient, for which purpose the physician shall administer only such liquor as was purchased by him under a permit pursuant to this Act or the regulations, and he may give to any such patient a prescription for liquor, and supply or sell, subject to the regulations, such liquor to his patient, and may charge for the liquor so administered or sold, but no prescription shall be given nor shall liquor be administered or sold by a physician except to a *bona fide* patient in cases of actual need and when in the judgment of the physician the use of liquor as medicine in the quantity prescribed, administered or sold is necessary.

36. Subsection 1 of section 59 of *The Liquor Control Act* is amended by striking out "vendor" in the first line and inserting in lieu thereof "manager". R.S.O. 1960, c. 217, s. 59, subs. 1, amended

37. Section 60 of *The Liquor Control Act* is amended by striking out "special" in the fifth line and inserting in lieu thereof "a". R.S.O. 1960, c. 217, s. 60, amended

38. Section 61 of *The Liquor Control Act* is amended by striking out "special" in the fifth line and inserting in lieu thereof "a". R.S.O. 1960, c. 217, s. 61, amended

39. Section 62 of *The Liquor Control Act* is amended by striking out "special" in the fourth line and in the sixth line. R.S.O. 1960, c. 217, s. 62, amended

40. Subsection 1 of section 63 of *The Liquor Control Act* is amended by striking out "other person" in the second line and inserting in lieu thereof "producer of Ontario wine". R.S.O. 1960, c. 217, s. 63, subs. 1, amended

41.—(1) Subsection 1 of section 66 of *The Liquor Control Act* is amended by striking out "and liable to the penalties prescribed by subsection 4 of section 106" in the fifth, sixth and seventh lines. R.S.O. 1960, c. 217, s. 66, subs. 1, amended

(2) The said section 66 is amended by adding thereto the following subsection: R.S.O. 1960, c. 217, s. 66, amended

(3) Except as otherwise expressly provided in this Act or the regulations, no person shall have in his possession, sell or keep for sale any preparation, combination or mixture capable of human consumption that contains alcohol. Mixtures containing alcohol

R.S.O. 1960, c. 217, s. 67, subss. 3-5, repealed

42. Subsections 3, 4 and 5 of section 67 of *The Liquor Control Act* are repealed.

R.S.O. 1960, c. 217, s. 68, subs. 2, amended

43. Subsection 2 of section 68 of *The Liquor Control Act* is amended by striking out "$10" in the second line and inserting in lieu thereof "$50" and by striking out "$40" in the third line and inserting in lieu thereof "$200".

R.S.O. 1960, c. 217, s. 69, subs. 1, amended

44.—(1) Subsection 1 of section 69 of *The Liquor Control Act* is amended by striking out "the name of the brewer and" in the fourth and fifth lines, by striking out "other" in the fifth line and by striking out "or otherwise" in the fifth and sixth lines.

R.S.O. 1960, c. 217, s. 69, subs. 2, amended

(2) Subsection 2 of the said section 69 is amended by striking out "$2,000" in the third line and inserting in lieu thereof "$10,000".

R.S.O. 1960, c. 217, s. 70, subs. 2, amended

45. Subsection 2 of section 70 of *The Liquor Control Act* is amended by striking out "a Government vendor" in the third line and inserting in lieu thereof "the Board".

R.S.O. 1960, c. 217, s. 72, subss. 2-4, repealed

46. Subsections 2, 3 and 4 of section 72 of *The Liquor Control Act* are repealed.

R.S.O. 1960, c. 217, s. 73, repealed

47. Section 73 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 77, repealed

48. Section 77 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 78, amended

49. Section 78 of *The Liquor Control Act* is amended by striking out "the authority of a permit or prescription issued under" in the fourth line.

R.S.O. 1960, c. 217, s. 79, re-enacted

50. Section 79 of *The Liquor Control Act* is repealed and the following substituted therefor:

Liquor to be sealed

79. Except where otherwise provided, no liquor shall be kept or had by any person unless the package in which the liquor was purchased was sealed with the official seal prescribed by the regulations.

R.S.O. 1960, c. 217, s. 82, subs. 3, amended

51. Subsection 3 of section 82 of *The Liquor Control Act* is amended by inserting after "shall" in the first line "have" and by striking out "apply for" in the second line, so that the subsection shall read as follows:

Minor prohibited from purchasing liquor

(3) No person under the age of twenty-one years shall have, consume, attempt to purchase, purchase or otherwise obtain liquor.

52. Section 83 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 83, repealed

53. Section 84 of *The Liquor Control Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 84, re-enacted

84.—(1) Notwithstanding anything in this Act or the regulations, the Board may, by order of interdiction signed by the Chief Commissioner or the Deputy Chief Commissioner, prohibit any person from purchasing, having, giving or consuming any liquor, and any such person who contravenes such order of interdiction is guilty of an offence. Orders of interdiction as to purchase, etc., of liquor

(2) Notwithstanding anything in this Act or the regulations, where an order of interdiction is made against a person under subsection 1, all liquor and original liquor containers in his possession or under seizure at the date of the order of interdiction shall be delivered forthwith to the Board, which shall pay to him the value of any such liquor purchased in accordance with this Act. Idem

(3) The Board may, by order of interdiction signed by the Chief Commissioner or the Deputy Chief Commissioner, prohibit a manager, brewer, producer of Ontario wine, holder of a licence under *The Liquor Licence Act* or other person from supplying either directly or indirectly liquor to any person against whom an order of interdiction has been issued pursuant to subsection 1, and any such manager, brewer, producer of Ontario wine, holder of a licence under *The Liquor Licence Act* or other person who knowingly contravenes any such order of interdiction is guilty of an offence. Supplying, etc., liquor to interdicted persons R.S.O. 1960, c. 218

(4) The Board may, by order of interdiction signed by the Chief Commissioner or the Deputy Chief Commissioner, prescribe the kinds and quantities of liquor that may be sold to any person by a manager, brewer, producer of Ontario wine, holder of a licence under *The Liquor Licence Act* or other person under this Act or the regulations, and any person who knowingly contravenes the provisions of any such order of interdiction is guilty of an offence. Idem R.S.O. 1960, c. 218

(5) Service of the orders of interdiction of the Board mentioned in subsections 1, 3 and 4 is effective if forwarded by registered mail to the last known address of the person against whom the order of interdiction is made. Service of orders

R.S.O. 1960, c. 217, s. 86, re-enacted

54. Section 86 of *The Liquor Control Act* is repealed and the following substituted therefor:

Interdicted persons at Government store

86. Every interdicted person who is found upon the premises of a Government store is guilty of an offence.

R.S.O. 1960, c. 217, s. 87, repealed

55. Section 87 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 88, re-enacted

56. Section 88 of *The Liquor Control Act*, as amended by section 3 of *The Liquor Control Amendment Act, 1961-62*, is repealed and the following substituted therefor:

False statements in orders prohibited

88. No person shall, upon an order referred to in clause *a* of subsection 2 of section 32 or upon a proof-of-age certificate, use any name other than his own or make any other false statement.

R.S.O. 1960, c. 217, s. 90, re-enacted

57. Section 90 of *The Liquor Control Act* is repealed and the following substituted therefor:

Possession of liquor R.S.O. 1960, c. 218

90.—(1) Except as authorized by this Act or *The Liquor Licence Act*, no person shall have any liquor in his possession.

Consumption of liquor

(2) No person shall consume in his residence any liquor that has not been had or acquired by him under this Act or the regulations.

R.S.O. 1960, c. 217, s. 91, subs. 1, cl. *b*, amended

58.—(1) Clause *b* of subsection 1 of section 91 of *The Liquor Control Act* is amended by striking out "and has baggage and personal effects belonging to him in the hotel" in the fourth and fifth lines, so that the clause shall read as follows:

(*b*) shall keep or have any liquor in any room in an hotel unless he is a *bona fide* guest of the hotel and is duly registered in the office of the hotel as an occupant of that room.

R.S.O. 1960, c. 217, s. 91, subss. 2-5, repealed

(2) Subsections 2, 3, 4 and 5 of the said section 91 are repealed.

R.S.O. 1960, c. 217, s. 96, repealed

59. Section 96 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 97, subs. 1, re-enacted

60. Subsection 1 of section 97 of *The Liquor Control Act* is repealed and the following substituted therefor:

(1) Where it is made to appear to the satisfaction of the judge of a county or district court, the judge of a juvenile and family court or a justice that a person, resident or sojourning in Ontario, by excessive drinking of liquor, misspends, wastes or lessens his estate, or injures his health, or interrupts the peace and happiness of his family, the judge or justice may make an order of interdiction prohibiting the sale of liquor to him until further ordered, and the judge or justice shall cause the order of interdiction to be forthwith filed with the Board. Interdiction orders

61. Sections 99 and 100 of *The Liquor Control Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 217, ss. 99, 100, re-enacted

99. Upon receipt of an order of interdiction, the Board shall notify the interdicted person and all managers, and such other persons as are provided for by the regulations, of the order of interdiction. Notice of interdiction orders

100.—(1) Upon an application to a judge, the judge of a juvenile and family court or a justice by a person in respect of whom an order of interdiction has been made, and upon it being made to appear to the satisfaction of the judge or justice that the circumstances of the case did not warrant the making of the order of interdiction or upon proof that the interdicted person has refrained from drunkenness for at least the twelve months immediately preceding the application, the judge or justice may by order set aside the order of interdiction, and the interdicted person may be restored to all his rights under this Act and the regulations, and the Board shall accordingly forthwith notify all managers and such other persons as are provided for by the regulations. Revocation of interdiction orders

(2) The applicant shall, at least ten clear days before the application, give notice thereof to the Board, in writing served upon the Board, and to such other persons as the judge or justice directs. Notice of application

62. Section 102 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 102, repealed

63. Section 103 of *The Liquor Control Act* is amended by striking out "$5,000" in the fifth line and inserting in lieu thereof "not less than $5,000 and not more than $25,000", so that the section shall read as follows: R.S.O. 1960, c. 217, s. 103, amended

Illegal selling by brewers, distillers

103. Every brewer, distiller or manufacturer who is convicted of keeping for sale or selling liquor by himself, or by his clerk, servant, agent or employee, contrary to this Act or the regulations is guilty of an offence and liable to a fine of not less than $5,000 and not more than $25,000.

R.S.O. 1960, c. 217, ss. 104, 105, re-enacted

64. Sections 104 and 105 of *The Liquor Control Act* are repealed and the following substituted therefor:

Penalties, s. 75

104. Every person who contravenes any of the provisions of section 75 is guilty of an offence and liable to a fine of not more than $2,000 or to imprisonment for a term of not more than six months, or to both.

Penalties, ss. 82 (1), 85

105. Every person who contravenes any provision of subsection 1 of section 82 or section 85 is guilty of an offence and liable to a fine of not more than $3,000 or to imprisonment for a term of not more than six months, or to both.

R.S.O. 1960, c. 217, s. 106, subss. 1, 2, re-enacted; subss. 3-5, repealed

65.—(1) Subsections 1, 2, 3, 4 and 5 of section 106 of *The Liquor Control Act* are repealed and the following substituted therefor:

Penalties, ss. 42, 66, 70 (1), 72 (1), 74, 82 (2, 3), 93

(1) Every person who contravenes any provision of section 42 or 66, subsection 1 of section 70, subsection 1 of section 72, section 74, subsections 2 and 3 of section 82 or section 93 is guilty of an offence and liable to a fine of not more than $2,000 or to imprisonment for a term of not more than six months, or to both.

Idem, s. 88

(2) Every person who contravenes any provision of section 88 is guilty of an offence and liable to a fine of not less than $100 and not more than $500 or to imprisonment for a term of not more than two months, or to both.

R.S.O. 1960, c. 217, s. 106, subs. 6, amended

(2) Subsection 6 of the said section 106 is amended by striking out "$1,000" in the third line and inserting in lieu thereof "$5,000" and by striking out "$3,000" in the third line and inserting in lieu thereof "$25,000", so that the subsection shall read as follows:

Corporations

(6) If the offender convicted of an offence referred to in this section is a corporation, it is liable to a fine of not less than $5,000 and not more than $25,000.

66. Section 107 of *The Liquor Control Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 107, re-enacted

107.—(1) Every person who is guilty of an offence against this Act for which no penalty has been specifically provided is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than three months, or to both. General penalty

(2) If the offender convicted of an offence referred to in this section is a corporation, it is liable to a fine of not less than $5,000 and not more than $25,000. Corporations

67. Section 109 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 109, repealed

68. Section 110 of *The Liquor Control Act*, as amended by section 5 of *The Liquor Control Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 110, re-enacted

110.—(1) A constable or other police officer may at any time, Search

(*a*) without a warrant, enter and search any vehicle or other conveyance in which he has reasonable grounds to believe that liquor is unlawfully kept or had, or kept or had for unlawful purposes, and search any person found in such vehicle or other conveyance;

(*b*) under the authority of a warrant issued under subsection 3, enter and search any residence, building or place in which he has reasonable grounds to believe that liquor is unlawfully kept or had, or kept or had for unlawful purposes, and search any person found in such residence, building or place.

(2) A constable or other police officer who has made a search under subsection 1 may at any time seize and take away, Seizure

(*a*) any liquor and packages in which the liquor is kept;

(*b*) any book, paper or thing that he reasonably believes may be evidence of the commission of an offence against this Act; and

(*c*) any vehicle or other conveyance in which the liquor is found.

Search warrant

(3) A justice or a justice of the peace who is satisfied by information upon oath that there are reasonable grounds for believing that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any residence, building or place may issue a warrant under his hand authorizing a constable or other police officer named therein at any time, including Sunday or other holiday, and by day or by night, to enter the residence, building or place and search for liquor, and, for the purpose of exercising his authority under this subsection, a constable or other police officer may, with such assistance as he deems necessary, break open any door, window, lock, fastener, floor, wall, ceiling, compartment, plumbing fixture, box, container or any other thing.

Application for restoration

(4) Where liquor or any other thing, except a vehicle or other conveyance, has been seized under subsection 2, any person may within thirty days from the date of such seizure apply to a justice within whose territorial jurisdiction the seizure was made for an order of restoration under subsection 5.

Order for restoration

(5) Where upon the hearing of an application under subsection 4 the justice is satisfied that,

(*a*) the applicant is entitled to possession of the liquor or other thing seized; and

(*b*) the liquor or other thing seized is not required as evidence in any proceedings in respect of an offence under this Act,

he shall order that the liquor or other thing seized be restored forthwith to the applicant, and, where the justice is satisfied that the applicant is entitled to the possession of the liquor or other thing seized but is not satisfied as to the matter mentioned in clause *b*, he shall order that the liquor or other thing seized be restored to the applicant,

(*c*) upon the expiration of three months from the date of the seizure, if no proceedings in respect of an offence under this Act have been commenced; or

(*d*) upon the final conclusion of any such proceedings.

(6) Where no application has been made for the return of any liquor or other thing seized under subsection 2 or an application has been made but upon the hearing thereof no order of restoration has been made, the liquor or other thing seized is forfeited to Her Majesty. Forfeiture

(7) Where a person is convicted of an offence under this Act, any liquor or other thing seized under subsection 2 by means of which the offence was committed is forfeited to Her Majesty. Idem

(8) Where a person is convicted of an offence under this Act, the justice may order that any vehicle or other conveyance seized under subsection 2 that has been proved to have been used in any manner in connection with the offence be forfeited, and upon such order being made the vehicle or conveyance is forfeited to Her Majesty. Idem, vehicles, etc.

(9) *The Fines and Forfeitures Act* applies in the case of any vehicle or other conveyance that is forfeited under subsection 8, except that an application under that Act shall not be made by the person convicted of the offence that resulted in the forfeiture or by a person in whose possession the vehicle or other conveyance was when seized under subsection 2. Application of R.S.O. 1960, c. 143

69. Sections 112, 113, 114, 115 and 116 of *The Liquor Control Act* are repealed. R.S.O. 1960, c. 217, ss. 112-116, repealed

70. Subsections 1 and 2 of section 117 of *The Liquor Control Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 117 subs. 1, re-enacted; subs. 2, repealed

(1) All forfeited liquor shall forthwith be delivered to the Board and shall be destroyed. Delivery of forfeited liquor to Board

71. Section 127 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 127, repealed

72. Section 128 of *The Liquor Control Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 128, re-enacted

128. In proving the sale, disposal, purchase or consumption of liquor, it is not necessary in any prosecution to show that money actually passed or liquor was actually consumed if the justice hearing the case is satisfied that a transaction in the nature of a sale, disposal or purchase actually took place, or that any consumption of liquor was about to take place, and proof of consumption or intended consumption of liquor on premises on which such consumption is Evidence of sale, etc.

prohibited is evidence that such liquor was sold or purchased by the person consuming, or being about to consume, or carrying away, such liquor, as against the occupant of such premises.

R.S.O. 1960, c. 217, amended

73. *The Liquor Control Act* is amended by adding thereto the following section:

Certificates

129*a*. In a prosecution under this Act, the production of a certificate of cancellation or suspension of a permit or a certified copy of an order of interdiction is *prima facie* evidence of the cancellation or suspension of the permit or of the issuing of the order, as the case may be, without proof of the signature or official character of the person by whom it purports to be signed.

R.S.O. 1960, c. 217, ss. 133, 134, repealed

74. Sections 133 and 134 of *The Liquor Control Act* are repealed.

R.S.O. 1960, c. 217, s. 135, repealed

75. Section 135 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 138, repealed

76. Section 138 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 140, subs. 3, repealed

77.—(1) Subsection 3 of section 140 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 140, subs. 8, amended

(2) Subsection 8 of the said section 140 is amended by striking out "and affidavit of the appellant" in the eighth and ninth lines.

R.S.O. 1960, c. 217, s. 140, subs. 9, item 1, re-enacted

(3) Item 1 of the Certificate of Justice in subsection 9 of the said section 140 is repealed and the following substituted therefor:

1. Notice of appeal.

R.S.O. 1960, c. 217, s. 140, subs. 15, repealed

(4) Subsection 15 of the said section 140 is repealed.

R.S.O. 1960, c. 217, s. 142, re-enacted

78. Section 142 of *The Liquor Control Act* is repealed and the following substituted therefor:

General purpose of Act

142. The purpose of this Act and the regulations is to prohibit transactions in liquor except under Government control through the instrumentality of the Board, and to provide the means by which such Government control shall be made effective.

Commencement

79. This Act comes into force on the day it receives Royal Assent.

Short title

80. This Act may be cited as *The Liquor Control Amendment Act, 1965*.

An Act to amend The Liquor Control Act

1st Reading

June 2nd, 1965

2nd Reading

June 8th, 1965

3rd Reading

June 21st, 1965

MR. YAREMKO

BILL 163

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Liquor Licence Act

MR. YAREMKO

TORONTO
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Explanatory Notes

Section 1. The purpose of these amendments is: (1) to accommodate the extension of the Act to aircraft and theatres; (2) to clarify the operating requirements of clubs prior to application for licence; (3) to provide definitions of "Government store" and "permit"; (4) to redefine the type of municipality in which an hotel must have twenty bedrooms before qualifying for a licence; (5) to redefine "tavern".

BILL 163 **1965**

An Act to amend The Liquor Licence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Liquor Licence Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960, c. 218, s. 1, amended

(*a*) "aircraft" means a machine licensed for the transport of passengers by air and operated by a transcontinental air carrier on a regular or charter flight from any point in Ontario to any point in or outside Ontario.

(2) Subclause vii of clause *c* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 1, cl. *c*, subcl. vii, re-enacted

(vii) that has been in active operation for not less than one year prior to the issue to it of a licence.

(3) Clause *f* of the said section 1 is amended by inserting after "car" in the second line "aircraft, theatre", so that the clause shall read as follows: R.S.O. 1960, c. 218, s. 1, cl. *f*, amended

(*f*) "establishment" means a club, hotel, inn, public house, tavern, military mess, restaurant, railway car, aircraft, theatre or steamship having premises that comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued.

(4) The said section 1 is further amended by adding thereto the following clause: R.S.O. 1960, c. 218, s. 1, amended

(*fa*) "Government store" means a Government store as defined in *The Liquor Control Act*. R.S.O. 1960, c. 217

(5) Subclause ii of clause *g* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 1, cl. *g*, subcl. ii, re-enacted

(ii) in municipalities with a population of less than 100,000 and more than 10,000, not less than twenty bedrooms, and

. . . . .

R.S.O. 1960, c. 218, s. 1, amended

(6) The said section 1 is further amended by adding thereto the following clause:

(*qa*) "permit" means a special occasion permit or a mess and canteen permit.

R.S.O. 1960, c. 218, s. 1, cl. *w*, re-enacted

(7) Clause *w* of the said section 1 is repealed and the following substituted therefor:

(*w*) "tavern" means an establishment having the special accommodation, facilities and equipment that are prescribed by the regulations for any of the following classes of licences:

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence;

(*wa*) "theatre" means an establishment having the special accommodation, facilities and equipment prescribed by the regulations where, in consideration of payment, musical, dramatic or cultural performances are usually staged, but does not include a motion picture theatre.

R.S.O. 1960, c. 218, s. 12, re-enacted

2. Section 12 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Audit

12. The accounts and financial transactions of the Board shall be audited by the Provincial Auditor.

R.S.O. 1960, c. 218, s. 16, amended

3. Section 16 of *The Liquor Licence Act* is amended by striking out "except that" in the sixth line and by striking out clauses *a*, *b*, *c* and *d*, so that the section shall read as follows:

Evidence

16. For the purpose of any hearing or investigation, the Board has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions.

SECTION 2. The audit provision is brought up to date.

SECTION 3. The purpose of these amendments is to make the general rules of evidence apply to investigations by the Board. The clauses being repealed read:

(*a*) the rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses do not apply;

(*b*) no person is entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;

(*c*) no person shall refuse to answer any question upon any ground of privilege, but a solicitor shall not be required to disclose any communications between himself and his client; and

(*d*) no provision of *The Evidence Act* exempts any bank or any officer or employee thereof from the operations of this section.

SECTIONS 4 and 5. These amendments clarify the scope of the powers of the Board in investigations.

SECTION 6. The form of orders, etc., of the Board is simplified.

SECTION 7. The expression "banquet or entertainment permit" is replaced by "special occasion permit".

SECTION 8. Provision is made for the licensing of aircraft and theatres as defined.

4.—(1) Clause *a* of subsection 1 of section 17 of *The Liquor Licence Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 17, subs. 1, cl. *a*, re-enacted

(*a*) the affairs or conduct of any person holding a licence or of any of his servants, agents or employees.

(2) Clause *a* of subsection 2 of the said section 17 is amended by striking out "any person" in the first line and inserting in lieu thereof "an inspector of the Board". R.S.O. 1960, c. 218, s. 17, subs. 2, cl. *a*, amended

5. Subsection 1 of section 18 is amended by striking out "any person" in the third line and inserting in lieu thereof "a representative of the Board appointed for that purpose". R.S.O. 1960, c. 218, s. 18, subs. 1, amended

6. Section 19 of *The Liquor Licence Act* is amended by striking out "and sealed with the seal of the Board as attested by the signature of the registrar or a deputy registrar" in the third, fourth and fifth lines, so that the section shall read as follows: R.S.O. 1960, c. 218, s. 19, amended

19. No order, direction, certificate or subpoena or other document of the Board is valid or binding unless it is issued in the name of the Board. Validity of orders

7. Section 22 of *The Liquor Licence Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 22, re-enacted

22.—(1) The Board may issue special occasion permits for the serving of liquor on designated premises for functions as provided by the regulations, and may issue any such permit upon such terms and subject to such conditions as it prescribes. Special occasion permits

(2) Application for a special occasion permit may be made to the registrar or to the deputy registrar for the licensing district in which the function is to be held. Application

8.—(1) Paragraph 1 of subsection 1 of section 24 of *The Liquor Licence Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 24, subs. 1, par. 1, re-enacted

1. Hotels and inns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

i. dining lounge licence,

ii. dining room licence,

iii. lounge licence,

iv. public house licence,

and taverns and theatres having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

i. dining lounge licence,

ii. dining room licence,

iii. lounge licence,

but the Board shall not issue a dining lounge licence or a lounge licence to an hotel, inn, tavern or theatre situated in a municipality in which such licences have not been issued heretofore to hotels, inns, taverns or theatres unless or until an affirmative vote has been taken on question 7 or 8, as the case may be, of subsection 1 of section 72, and section 72 applies *mutatis mutandis* to such vote whether or not a by-law mentioned in section 70 is in force therein.

R.S.O. 1960, c. 218, s. 24, subs. 1, par. 2, amended

(2) Paragraph 2 of subsection 1 of the said section 24 is amended by inserting after "cars" in the first line "aircraft", so that the paragraph shall read as follows:

2. Military messes, railway cars, aircraft and steamships having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

i. dining lounge licence,

ii. dining room licence,

iii. lounge licence,

iv. public house licence.

R.S.O. 1960, c. 218, s. 24*a*, amended

9. Section 24*a* of *The Liquor Licence Act*, as enacted by section 2 of *The Liquor Licence Amendment Act, 1961-62*, is amended by striking out "organized and" in the eighth line

SECTION 9. The purpose of these amendment is to remove the "3 years of incorporation" requirement now applicable to a certain class of club prior to applying for a licence.

SECTION 10. The words deleted no longer serve any useful purpose.

SECTION 11. The words "Canadian citizen" replace "British subject".

SECTION 12. Theatres as defined are excepted from the prohibition against licensing premises in respect of which a manufacturer of liquor has any interest.

SECTION 13. The words deleted no longer serve any useful purpose.

and by striking out "time of application for" in the ninth and tenth lines and inserting in lieu thereof "issue to it of", so that the section shall read as follows:

Licences, certain class of clubs

24*a*. Notwithstanding the restrictions and prohibitions imposed by any municipal by-law passed under *The Liquor Licence Act*, being chapter 215 of the Revised Statutes of Ontario, 1914, or this or any other Act relating to the sale of liquor by retail, the Board may issue a club licence or a club licence (restricted) to any club that is affected by any such by-law and that has been in active operation for not less than three years prior to the issue to it of a licence.

R.S.O. 1960, c. 218, s. 26, subs. 2, amended

10. Subsection 2 of section 26 of *The Liquor Licence Act* is amended by striking out "in respect of which an authority under *The Liquor Authority Control Act, 1944* was held on the 1st day of January, 1947" in the second and third lines, so that the subsection shall read as follows:

Classification as hotel

(2) Where in the opinion of the Board any establishment is serving the needs of the community in the matter of bedroom accommodation, the Board may classify it as an hotel or inn notwithstanding that it does not comply with subclause i, ii or iii of clause *g* of section 1, but such classification and any licence issued pursuant thereto may be made and issued for a limited time and from time to time and upon such terms and conditions as the Board deems advisable.

R.S.O. 1960, c. 218, s. 28, subs. 1, cl. *e*, amended

11. Clause *e* of subsection 1 of section 28 of *The Liquor Licence Act* is amended by striking out "British subject" and inserting in lieu thereof "Canadian citizen", so that the clause shall read as follows:

(*e*) if an individual, is not a Canadian citizen.

R.S.O. 1960, c. 218, s. 29, amended

12. Section 29 of *The Liquor Licence Act* is amended by adding thereto the following subsection:

Theatres excepted

(1*a*) Subsection 1 does not apply to a theatre.

R.S.O. 1960, c. 218, s. 31, amended

13. Section 31 of *The Liquor Licence Act* is amended by striking out "and upon the issue, renewal, transfer, cancellation or suspension thereof the value of a licence shall not be capitalized but becomes the property of the Crown in right of Ontario" in the second, third, fourth and fifth lines.

R.S.O. 1960, c. 218, s. 36, subs. 1, amended

14. Subsection 1 of section 36 of *The Liquor Licence Act* is amended by adding at the end thereof "at or before the meeting of the Board at which the application is to be heard", so that the subsection shall read as follows:

Filing of application

(1) Every application shall be in the form prescribed by the regulations and shall be filed with the deputy registrar of the licensing district in which are located the premises concerning which the application is made at or before the meeting of the Board at which the application is to be heard.

R.S.O. 1960, c. 218, amended

15. *The Liquor Licence Act* is amended by adding thereto the following section:

Exception

37*a*. Where an establishment is licensed under this Act, an application may be made for one or more additional licences of one or more classes that are lawful in the municipality or part thereof in which the establishment is situated without a preliminary application and without the publication of notice of the application as required by sections 36 and 37.

R.S.O. 1960, c. 218, s. 41, subs. 1, amended

16. Subsection 1 of section 41 of *The Liquor Licence Act* is amended by striking out "in its discretion" in the second and third lines.

R.S.O. 1960, c. 218, s. 46, amended

17. Section 46 of *The Liquor Licence Act* is amended by striking out "in its discretion" in the first line.

R.S.O. 1960, c. 218, s. 53, subs. 2, amended

18. Subsection 2 of section 53 of *The Liquor Licence Act* is amended by striking out "he" in the fifth line and inserting in lieu thereof "such person".

R.S.O. 1960, c. 218, s. 16, subs. 1, re-enacted

19.—(1) Subsection 1 of section 61 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Penalties, s. 53 (1)

(1) Every person who contravenes subsection 1 of section 53 is guilty of an offence and liable to a fine of not more than $3,000 or to imprisonment for a term of not more than six months, or to both.

R.S.O. 1960, c. 218, s. 61, subs. 4, re-enacted

(2) Subsection 4 of the said section 61 is repealed and the following substituted therefor:

Idem, general

(4) Every person who contravenes any of the provisions of this Act or the regulations for which no penalty has been specifically provided is guilty of an offence and liable to a fine of not more than $1,000 or to imprisonment for a term of not more than three months, or to both.

SECTIONS 14 and 15. Self-explanatory.

SECTIONS 16 and 17. The words deleted are superfluous.

SECTION 18. Self-explanatory.

SECTION 19—Subsection 1. The mandatory imprisonment feature is removed.

Subsection 2. The minimum fine is removed and the maximum fine is increased and reference to a second offence is deleted.

Subsection 3. The minimum and maximum fines for corporations are increased.

SECTION 20. The sections that require an accused to prove his innocence are removed. They read:

62. In the prosecution of any offence under this Act in which possession of liquor is an element of the offence, upon *prima facie* proof of such possession, unless the person charged with the offence proves that he did not commit the offence, he may be convicted thereof.

63. Proof of the removal of any liquor from any licensed premises in any package is *prima facie* evidence against the person holding the licence for such premises of the sale of liquor contrary to this Act or *The Liquor Control Act*.

SECTION 21. This amendment will prevent votes being set aside on technical grounds or for minor irregularities, etc. The provision of *The Election Act* referred to in the amendment reads:

6.—(1) No election shall be declared invalid,

(*a*) by reason of any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll;

(*b*) by reason of a failure to hold a poll at any place appointed for holding a poll;

(*c*) by reason of non-compliance with the provisions of this Act as to the taking of the poll, as to the counting of the votes, or as to limitations of time; or

(*d*) by reason of any mistake in the use of the forms to this Act,

if it appears to the tribunal having cognizance of the matter that the election was conducted in accordance with the principles of this Act, and that the irregularity, failure, non-compliance or mistake did not affect the result of the election.

SECTION 22. Authority is conferred to prescribe fees payable upon applications to the Board.

(3) Subsection 5 of the said section 61 is amended by striking out "$1,000" in the third line and inserting in lieu thereof "$5,000" and by striking out "$3,000" in the fourth line and inserting in lieu thereof "$25,000", so that the subsection shall read as follows: R.S.O. 1960, c. 218, s. 61, subs. 5, amended

(5) Where an offender convicted of an offence referred to in this section, other than a contravention of section 57, is a corporation, it is liable to a fine of not less than $5,000 and not more than $25,000. Corporations

20. Sections 62 and 63 of *The Liquor Licence Act* are repealed. R.S.O. 1960, c. 218, ss. 62, 63, repealed

21. Subsection 1 of section 83 of *The Liquor Licence Act* is amended by inserting after "*mutatis mutandis*" in the fifth line "except that no vote under this Act shall be set aside or declared invalid for any reason set out in subsection 1 of section 6 of *The Election Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 218, s. 83, subs. 1, amended

(1) Notwithstanding anything in this or any other Act, where the validity of a vote on any question or questions submitted under this Act is questioned, the provisions of Part IV of *The Municipal Act* relating to proceedings to declare a seat vacant, apply *mutatis mutandis*, except that no vote under this Act shall be set aside or declared invalid for any reason set in subsection 1 of section 6 of *The Election Act*, and any notice of motion required under that Part shall be served on such person as the judge or master, as defined in that Part, directs. Where validity of vote questioned; R.S.O. 1960, cc. 249, 118

22. Section 85 of *The Liquor Licence Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 218, s. 85, amended

(*fa*) prescribing the fees payable in respect of applications.

23. This Act comes into force on the day it receives Royal Assent. Commencement

24. This Act may be cited as *The Liquor Licence Amendment Act, 1965*. Short title

1st Reading

June 2nd, 1965

2nd Reading

3rd Reading

MR. YAREMKO

BILL 163

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Liquor Licence Act

MR. YAREMKO

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The purpose of these amendments is: (1) to accommodate the extension of the Act to aircraft and theatres; (2) to clarify the operating requirements of clubs prior to application for licence; (3) to provide definitions of "Government store" and "permit"; (4) to redefine the type of municipality in which an hotel must have twenty bedrooms before qualifying for a licence; (5) to redefine "tavern".

BILL 163 **1965**

An Act to amend The Liquor Licence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Liquor Licence Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960, c. 218, s. 1, amended

(*a*) "aircraft" means a machine licensed for the transport of passengers by air and operated by a transcontinental air carrier on a regular or charter flight from any point in Ontario to any point in or outside Ontario.

(2) Subclause vii of clause *c* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 1, cl. *c*, subcl. vii, re-enacted

(vii) that has been in active operation for not less than one year prior to the issue to it of a licence.

(3) Clause *f* of the said section 1 is amended by inserting after "car" in the second line "aircraft, theatre", so that the clause shall read as follows: R.S.O. 1960, c. 218, s. 1, cl. *f*, amended

(*f*) "establishment" means a club, hotel, inn, public house, tavern, military mess, restaurant, railway car, aircraft, theatre or steamship having premises that comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued.

(4) The said section 1 is further amended by adding thereto the following clause: R.S.O. 1960, c. 218, s. 1, amended

(*fa*) "Government store" means a Government store as defined in *The Liquor Control Act*. R.S.O. 1960, c. 217

(5) Subclause ii of clause *g* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 1, cl. *g*, subcl. ii, re-enacted

(ii) in municipalities with a population of less than 100,000 and more than 10,000, not less than twenty bedrooms, and

. . . . . .

R.S.O. 1960, c. 218, s. 1, amended

(6) The said section 1 is further amended by adding thereto the following clause:

(*qa*) "permit" means a special occasion permit or a mess and canteen permit.

R.S.O. 1960, c. 218, s. 1, cl. *w*, re-enacted

(7) Clause *w* of the said section 1 is repealed and the following substituted therefor:

(*w*) "tavern" means an establishment having the special accommodation, facilities and equipment that are prescribed by the regulations for any of the following classes of licences:

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence;

(*wa*) "theatre" means an establishment having the special accommodation, facilities and equipment prescribed by the regulations where, in consideration of payment, musical, dramatic or cultural performances are usually staged, but does not include a motion picture theatre.

R.S.O. 1960, c. 218, s. 12, re-enacted

2. Section 12 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Audit

12. The accounts and financial transactions of the Board shall be audited by the Provincial Auditor.

R.S.O. 1960, c. 218, s. 16, amended

3. Section 16 of *The Liquor Licence Act* is amended by striking out "except that" in the sixth line and by striking out clauses *a*, *b*, *c* and *d*, so that the section shall read as follows:

Evidence

16. For the purpose of any hearing or investigation, the Board has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions.

SECTION 2. The audit provision is brought up to date.

SECTION 3. The purpose of these amendments is to make the general rules of evidence apply to investigations by the Board. The clauses being repealed read:

(*a*) the rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses do not apply;

(*b*) no person is entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;

(*c*) no person shall refuse to answer any question upon any ground of privilege, but a solicitor shall not be required to disclose any communications between himself and his client; and

(*d*) no provision of *The Evidence Act* exempts any bank or any officer or employee thereof from the operations of this section.

SECTIONS 4 and 5. These amendments clarify the scope of the powers of the Board in investigations.

SECTION 6. The form of orders, etc., of the Board is simplified.

SECTION 7. The expression "banquet or entertainment permit" is replaced by "special occasion permit".

SECTION 8. Provision is made for the licensing of aircraft and theatres as defined.

4.—(1) Clause *a* of subsection 1 of section 17 of *The Liquor Licence Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 17, subs. 1, cl. *a*, re-enacted

(*a*) the affairs or conduct of any person holding a licence or of any of his servants, agents or employees.

(2) Clause *a* of subsection 2 of the said section 17 is amended by striking out "any person" in the first line and inserting in lieu thereof "an inspector of the Board". R.S.O. 1960, c. 218, s. 17, subs. 2, cl. *a*, amended

5. Subsection 1 of section 18 is amended by striking out "any person" in the third line and inserting in lieu thereof "a representative of the Board appointed for that purpose". R.S.O. 1960, c. 218, s. 18, subs. 1, amended

6. Section 19 of *The Liquor Licence Act* is amended by striking out "and sealed with the seal of the Board as attested by the signature of the registrar or a deputy registrar" in the third, fourth and fifth lines, so that the section shall read as follows: R.S.O. 1960, c. 218, s. 19, amended

19. No order, direction, certificate or subpoena or other document of the Board is valid or binding unless it is issued in the name of the Board. Validity of orders

7. Section 22 of *The Liquor Licence Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 22, re-enacted

22.—(1) The Board may issue special occasion permits for the serving of liquor on designated premises for functions as provided by the regulations, and may issue any such permit upon such terms and subject to such conditions as it prescribes. Special occasion permits

(2) Application for a special occasion permit may be made to the registrar or to the deputy registrar for the licensing district in which the function is to be held. Application

8.—(1) Paragraph 1 of subsection 1 of section 24 of *The Liquor Licence Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 24, subs. 1, par. 1, re-enacted

1. Hotels and inns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

i. dining lounge licence,

ii. dining room licence,

iii. lounge licence,

iv. public house licence,

and taverns and theatres having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

i. dining lounge licence,

ii. dining room licence,

iii. lounge licence,

but the Board shall not issue a dining lounge licence or a lounge licence to an hotel, inn, tavern or theatre situated in a municipality in which such licences have not been issued heretofore to hotels, inns, taverns or theatres unless or until an affirmative vote has been taken on question 7 or 8, as the case may be, of subsection 1 of section 72, and section 72 applies *mutatis mutandis* to such vote whether or not a by-law mentioned in section 70 is in force therein.

R.S.O. 1960, c. 218, s. 24, subs. 1, par. 2, amended

(2) Paragraph 2 of subsection 1 of the said section 24 is amended by inserting after "cars" in the first line "aircraft", so that the paragraph shall read as follows:

2. Military messes, railway cars, aircraft and steamships having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

i. dining lounge licence,

ii. dining room licence,

iii. lounge licence,

iv. public house licence.

R.S.O. 1960, c. 218, s. 24*a*, amended

9. Section 24*a* of *The Liquor Licence Act*, as enacted by section 2 of *The Liquor Licence Amendment Act, 1961-62*, is amended by striking out "organized and" in the eighth line

SECTION 9. The purpose of these amendment is to remove the "3 years of incorporation" requirement now applicable to a certain class of club prior to applying for a licence.

SECTION 10. The words deleted no longer serve any useful purpose.

SECTION 11. The words "Canadian citizen" replace "British subject".

SECTION 12. Theatres as defined are excepted from the prohibition against licensing premises in respect of which a manufacturer of liquor has any interest.

SECTION 13. The words deleted no longer serve any useful purpose.

and by striking out "time of application for" in the ninth and tenth lines and inserting in lieu thereof "issue to it of", so that the section shall read as follows:

Licences, certain class of clubs

24*a*. Notwithstanding the restrictions and prohibitions imposed by any municipal by-law passed under *The Liquor Licence Act*, being chapter 215 of the Revised Statutes of Ontario, 1914, or this or any other Act relating to the sale of liquor by retail, the Board may issue a club licence or a club licence (restricted) to any club that is affected by any such by-law and that has been in active operation for not less than three years prior to the issue to it of a licence.

R.S.O. 1960, c. 218, s. 26, subs. 2, amended

10. Subsection 2 of section 26 of *The Liquor Licence Act* is amended by striking out "in respect of which an authority under *The Liquor Authority Control Act, 1944* was held on the 1st day of January, 1947" in the second and third lines, so that the subsection shall read as follows:

Classification as hotel

(2) Where in the opinion of the Board any establishment is serving the needs of the community in the matter of bedroom accommodation, the Board may classify it as an hotel or inn notwithstanding that it does not comply with subclause i, ii or iii of clause *g* of section 1, but such classification and any licence issued pursuant thereto may be made and issued for a limited time and from time to time and upon such terms and conditions as the Board deems advisable.

R.S.O. 1960, c. 218, s. 28, subs. 1, cl. *e*, amended

11. Clause *e* of subsection 1 of section 28 of *The Liquor Licence Act* is amended by striking out "British subject" and inserting in lieu thereof "Canadian citizen", so that the clause shall read as follows:

(*e*) if an individual, is not a Canadian citizen.

R.S.O. 1960, c. 218, s. 29, amended

12. Section 29 of *The Liquor Licence Act* is amended by adding thereto the following subsection:

Theatres excepted

(1*a*) Subsection 1 does not apply to a theatre.

R.S.O. 1960, c. 218, s. 31, amended

13. Section 31 of *The Liquor Licence Act* is amended by striking out "and upon the issue, renewal, transfer, cancellation or suspension thereof the value of a licence shall not be capitalized but becomes the property of the Crown in right of Ontario" in the second, third, fourth and fifth lines.

R.S.O. 1960, c. 218, s. 36, subs. 1, amended

14. Subsection 1 of section 36 of *The Liquor Licence Act* is amended by adding at the end thereof "at or before the meeting of the Board at which the application is to be heard", so that the subsection shall read as follows:

Filing of application

(1) Every application shall be in the form prescribed by the regulations and shall be filed with the deputy registrar of the licensing district in which are located the premises concerning which the application is made at or before the meeting of the Board at which the application is to be heard.

R.S.O. 1960, c. 218, amended

15. *The Liquor Licence Act* is amended by adding thereto the following section:

Exception

37*a*. Where an establishment is licensed under this Act, an application may be made for one or more additional licences of one or more classes that are lawful in the municipality or part thereof in which the establishment is situated without a preliminary application and without the publication of notice of the application as required by sections 36 and 37.

R.S.O. 1960, c. 218, s. 41, subs. 1, amended

16. Subsection 1 of section 41 of *The Liquor Licence Act* is amended by striking out "in its discretion" in the second and third lines.

R.S.O. 1960, c. 218, s. 46, amended

17. Section 46 of *The Liquor Licence Act* is amended by striking out "in its discretion" in the first line.

R.S.O. 1960, c. 218, s. 53, subs. 2, amended

18. Subsection 2 of section 53 of *The Liquor Licence Act* is amended by striking out "he" in the fifth line and inserting in lieu thereof "such person".

R.S.O. 1960, c. 218, s. 16, subs. 1, re-enacted

19.—(1) Subsection 1 of section 61 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Penalties, s. 53 (1)

(1) Every person who contravenes subsection 1 of section 53 is guilty of an offence and liable to a fine of not more than $3,000 or to imprisonment for a term of not more than six months, or to both.

R.S.O. 1960, c. 218, s. 61, subs. 4, re-enacted

(2) Subsection 4 of the said section 61 is repealed and the following substituted therefor:

Idem, general

(4) Every person who contravenes any of the provisions of this Act or the regulations for which no penalty has been specifically provided is guilty of an offence and liable to a fine of not more than $1,000 or to imprisonment for a term of not more than three months, or to both.

SECTIONS 14 and 15. Self-explanatory.

SECTIONS 16 and 17. The words deleted are superfluous.

SECTION 18. Self-explanatory.

SECTION 19—Subsection 1. The mandatory imprisonment feature is removed.

Subsection 2. The minimum fine is removed and the maximum fine is increased and reference to a second offence is deleted.

Subsection 3. The minimum and maximum fines for corporations are increased.

SECTION 20. The sections that require an accused to prove his innocence are removed. They read:

62. In the prosecution of any offence under this Act in which possession of liquor is an element of the offence, upon *prima facie* proof of such possession, unless the person charged with the offence proves that he did not commit the offence, he may be convicted thereof.

63. Proof of the removal of any liquor from any licensed premises in any package is *prima facie* evidence against the person holding the licence for such premises of the sale of liquor contrary to this Act or *The Liquor Control Act*.

SECTION 21. This amendment will prevent votes being set aside on technical grounds or for minor irregularities, etc. The provision of *The Election Act* referred to in the amendment reads:

6.—(1) No election shall be declared invalid,

(*a*) by reason of any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll;

(*b*) by reason of a failure to hold a poll at any place appointed for holding a poll;

(*c*) by reason of non-compliance with the provisions of this Act as to the taking of the poll, as to the counting of the votes, or as to limitations of time; or

(*d*) by reason of any mistake in the use of the forms to this Act,

if it appears to the tribunal having cognizance of the matter that the election was conducted in accordance with the principles of this Act, and that the irregularity, failure, non-compliance or mistake did not affect the result of the election.

SECTION 22. Authority is conferred to prescribe fees payable upon applications to the Board.

(3) Subsection 5 of the said section 61 is amended by striking out "$1,000" in the third line and inserting in lieu thereof "$5,000" and by striking out "$3,000" in the fourth line and inserting in lieu thereof "$25,000", so that the subsection shall read as follows: R.S.O. 1960, c. 218, s. 61, subs. 5, amended

(5) Where an offender convicted of an offence referred to in this section, other than a contravention of section 57, is a corporation, it is liable to a fine of not less than $5,000 and not more than $25,000. Corporations

20. Sections 62 and 63 of *The Liquor Licence Act* are repealed. R.S.O. 1960, c. 218, ss. 62, 63, repealed

21. Subsection 1 of section 83 of *The Liquor Licence Act* is amended by inserting after "*mutatis mutandis*" in the fifth line "except that no vote under this Act shall be set aside or declared invalid for any reason set out in subsection 1 of section 6 of *The Election Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 218, s. 83, subs. 1, amended

(1) Notwithstanding anything in this or any other Act, where the validity of a vote on any question or questions submitted under this Act is questioned, the provisions of Part IV of *The Municipal Act* relating to proceedings to declare a seat vacant, apply *mutatis mutandis*, except that no vote under this Act shall be set aside or declared invalid for any reason set in subsection 1 of section 6 of *The Election Act*, and any notice of motion required under that Part shall be served on such person as the judge or master, as defined in that Part, directs. Where validity of vote questioned — R.S.O. 1960, cc. 249, 118

22.—(1) Section 85 of *The Liquor Licence Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 218, s. 85, amended

(*fa*) prescribing the fees payable in respect of applications.

(2) Clause *k* of the said section 85 is amended by striking out "banquet, entertainment" in the first and second lines and inserting in lieu thereof "special occasion", so that the clause shall read as follows: R.S.O. 1960, c. 218, s. 85, cl. *k*, amended

(*k*) governing the issue and cancellation of special occasion or military mess permits and prescribing the fees payable in respect of the issue of such permits.

(3) Clause *r* of the said section 85 is repealed. R.S.O. 1960, c. 218, s. 85, cl. *r*, repealed

23. This Act comes into force on the day it receives Royal Assent. Commencement

24. This Act may be cited as *The Liquor Licence Amendment Act, 1965*. Short title

1st Reading

June 2nd, 1965

2nd Reading

June 8th, 1965

3rd Reading

MR. YAREMKO

(Reprinted as amended by the Committee of the Whole House)

1965

BILL 163

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Liquor Licence Act

MR. YAREMKO

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 163 **1965**

An Act to amend The Liquor Licence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Liquor Licence Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960, c. 218, s. 1, amended

(*a*) "aircraft" means a machine licensed for the transport of passengers by air and operated by a transcontinental air carrier on a regular or charter flight from any point in Ontario to any point in or outside Ontario.

(2) Subclause vii of clause *c* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 1, cl. *c*, subcl. vii, re-enacted

(vii) that has been in active operation for not less than one year prior to the issue to it of a licence.

(3) Clause *f* of the said section 1 is amended by inserting after "car" in the second line "aircraft, theatre", so that the clause shall read as follows: R.S.O. 1960, c. 218, s. 1, cl. *f*, amended

(*f*) "establishment" means a club, hotel, inn, public house, tavern, military mess, restaurant, railway car, aircraft, theatre or steamship having premises that comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued.

(4) The said section 1 is further amended by adding thereto the following clause: R.S.O. 1960, c. 218, s. 1, amended

(*fa*) "Government store" means a Government store as defined in *The Liquor Control Act*. R.S.O. 1960, c. 217

(5) Subclause ii of clause *g* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 1, cl. *g*, subcl. ii, re-enacted

(ii) in municipalities with a population of less than 100,000 and more than 10,000, not less than twenty bedrooms, and

. . . . . .

R.S.O. 1960, c. 218, s. 1, amended

(6) The said section 1 is further amended by adding thereto the following clause:

(*qa*) "permit" means a special occasion permit or a mess and canteen permit.

R.S.O. 1960, c. 218, s. 1, cl. *w*, re-enacted

(7) Clause *w* of the said section 1 is repealed and the following substituted therefor:

(*w*) "tavern" means an establishment having the special accommodation, facilities and equipment that are prescribed by the regulations for any of the following classes of licences:

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence;

(*wa*) "theatre" means an establishment having the special accommodation, facilities and equipment prescribed by the regulations where, in consideration of payment, musical, dramatic or cultural performances are usually staged, but does not include a motion picture theatre.

R.S.O. 1960, c. 218, s. 12, re-enacted

2. Section 12 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Audit

12. The accounts and financial transactions of the Board shall be audited by the Provincial Auditor.

R.S.O. 1960, c. 218, s. 16, amended

3. Section 16 of *The Liquor Licence Act* is amended by striking out "except that" in the sixth line and by striking out clauses *a*, *b*, *c* and *d*, so that the section shall read as follows:

Evidence

16. For the purpose of any hearing or investigation, the Board has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions.

4.—(1) Clause *a* of subsection 1 of section 17 of *The Liquor Licence Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 17, subs. 1, cl. *a*, re-enacted

(*a*) the affairs or conduct of any person holding a licence or of any of his servants, agents or employees.

(2) Clause *a* of subsection 2 of the said section 17 is amended by striking out "any person" in the first line and inserting in lieu thereof "an inspector of the Board". R.S.O. 1960, c. 218, s. 17, subs. 2, cl. *a*, amended

5. Subsection 1 of section 18 is amended by striking out "any person" in the third line and inserting in lieu thereof "a representative of the Board appointed for that purpose". R.S.O. 1960, c. 218, s. 18, subs. 1, amended

6. Section 19 of *The Liquor Licence Act* is amended by striking out "and sealed with the seal of the Board as attested by the signature of the registrar or a deputy registrar" in the third, fourth and fifth lines, so that the section shall read as follows: R.S.O. 1960, c. 218, s. 19, amended

19. No order, direction, certificate or subpoena or other document of the Board is valid or binding unless it is issued in the name of the Board. Validity of orders

7. Section 22 of *The Liquor Licence Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 22, re-enacted

22.—(1) The Board may issue special occasion permits for the serving of liquor on designated premises for functions as provided by the regulations, and may issue any such permit upon such terms and subject to such conditions as it prescribes. Special occasion permits

(2) Application for a special occasion permit may be made to the registrar or to the deputy registrar for the licensing district in which the function is to be held. Application

8.—(1) Paragraph 1 of subsection 1 of section 24 of *The Liquor Licence Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 24, subs. 1, par. 1, re-enacted

1. Hotels and inns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

i. dining lounge licence,

ii. dining room licence,

iii. lounge licence,

iv. public house licence,

and taverns and theatres having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

i. dining lounge licence,

ii. dining room licence,

iii. lounge licence,

but the Board shall not issue a dining lounge licence or a lounge licence to an hotel, inn, tavern or theatre situated in a municipality in which such licences have not been issued heretofore to hotels, inns, taverns or theatres unless or until an affirmative vote has been taken on question 7 or 8, as the case may be, of subsection 1 of section 72, and section 72 applies *mutatis mutandis* to such vote whether or not a by-law mentioned in section 70 is in force therein.

R.S.O. 1960, c. 218, s. 24, subs. 1, par. 2, amended

(2) Paragraph 2 of subsection 1 of the said section 24 is amended by inserting after "cars" in the first line "aircraft", so that the paragraph shall read as follows:

2. Military messes, railway cars, aircraft and steamships having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

i. dining lounge licence,

ii. dining room licence,

iii. lounge licence,

iv. public house licence.

R.S.O. 1960, c. 218, s. 24*a*, amended

9. Section 24*a* of *The Liquor Licence Act*, as enacted by section 2 of *The Liquor Licence Amendment Act, 1961-62*, is amended by striking out "organized and" in the eighth line

and by striking out "time of application for" in the ninth and tenth lines and inserting in lieu thereof "issue to it of", so that the section shall read as follows:

Licences, certain class of clubs

24*a*. Notwithstanding the restrictions and prohibitions imposed by any municipal by-law passed under *The Liquor Licence Act*, being chapter 215 of the Revised Statutes of Ontario, 1914, or this or any other Act relating to the sale of liquor by retail, the Board may issue a club licence or a club licence (restricted) to any club that is affected by any such by-law and that has been in active operation for not less than three years prior to the issue to it of a licence.

R.S.O. 1960, c. 218, s. 26, subs. 2, amended

10. Subsection 2 of section 26 of *The Liquor Licence Act* is amended by striking out "in respect of which an authority under *The Liquor Authority Control Act, 1944* was held on the 1st day of January, 1947" in the second and third lines, so that the subsection shall read as follows:

Classification as hotel

(2) Where in the opinion of the Board any establishment is serving the needs of the community in the matter of bedroom accommodation, the Board may classify it as an hotel or inn notwithstanding that it does not comply with subclause i, ii or iii of clause *g* of section 1, but such classification and any licence issued pursuant thereto may be made and issued for a limited time and from time to time and upon such terms and conditions as the Board deems advisable.

R.S.O. 1960, c. 218, s. 28, subs. 1, cl. *e*, amended

11. Clause *e* of subsection 1 of section 28 of *The Liquor Licence Act* is amended by striking out "British subject" and inserting in lieu thereof "Canadian citizen", so that the clause shall read as follows:

(*e*) if an individual, is not a Canadian citizen.

R.S.O. 1960, c. 218, s. 29, amended

12. Section 29 of *The Liquor Licence Act* is amended by adding thereto the following subsection:

Theatres excepted

(1*a*) Subsection 1 does not apply to a theatre.

R.S.O. 1960, c. 218, s. 31, amended

13. Section 31 of *The Liquor Licence Act* is amended by striking out "and upon the issue, renewal, transfer, cancellation or suspension thereof the value of a licence shall not be capitalized but becomes the property of the Crown in right of Ontario" in the second, third, fourth and fifth lines.

R.S.O. 1960, c. 218, s. 36, subs. 1, amended

14. Subsection 1 of section 36 of *The Liquor Licence Act* is amended by adding at the end thereof "at or before the meeting of the Board at which the application is to be heard", so that the subsection shall read as follows:

Filing of application

(1) Every application shall be in the form prescribed by the regulations and shall be filed with the deputy registrar of the licensing district in which are located the premises concerning which the application is made at or before the meeting of the Board at which the application is to be heard.

R.S.O. 1960, c. 218, amended

15. *The Liquor Licence Act* is amended by adding thereto the following section:

Exception

37*a*. Where an establishment is licensed under this Act, an application may be made for one or more additional licences of one or more classes that are lawful in the municipality or part thereof in which the establishment is situated without a preliminary application and without the publication of notice of the application as required by sections 36 and 37.

R.S.O. 1960, c. 218, s. 41, subs. 1, amended

16. Subsection 1 of section 41 of *The Liquor Licence Act* is amended by striking out "in its discretion" in the second and third lines.

R.S.O. 1960, c. 218, s. 46, amended

17. Section 46 of *The Liquor Licence Act* is amended by striking out "in its discretion" in the first line.

R.S.O. 1960, c. 218, s. 53, subs. 2, amended

18. Subsection 2 of section 53 of *The Liquor Licence Act* is amended by striking out "he" in the fifth line and inserting in lieu thereof "such person".

R.S.O. 1960, c. 218, s. 16, subs. 1, re-enacted

19.—(1) Subsection 1 of section 61 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Penalties, s. 53 (1)

(1) Every person who contravenes subsection 1 of section 53 is guilty of an offence and liable to a fine of not more than $3,000 or to imprisonment for a term of not more than six months, or to both.

R.S.O. 1960, c. 218, s. 61, subs. 4, re-enacted

(2) Subsection 4 of the said section 61 is repealed and the following substituted therefor:

Idem, general

(4) Every person who contravenes any of the provisions of this Act or the regulations for which no penalty has been specifically provided is guilty of an offence and liable to a fine of not more than $1,000 or to imprisonment for a term of not more than three months, or to both.

(3) Subsection 5 of the said section 61 is amended by striking out "$1,000" in the third line and inserting in lieu thereof "$5,000" and by striking out "$3,000" in the fourth line and inserting in lieu thereof "$25,000", so that the subsection shall read as follows: R.S.O. 1960, c. 218, s. 61, subs. 5, amended

(5) Where an offender convicted of an offence referred to in this section, other than a contravention of section 57, is a corporation, it is liable to a fine of not less than $5,000 and not more than $25,000. Corporations

20. Sections 62 and 63 of *The Liquor Licence Act* are repealed. R.S.O. 1960, c. 218, ss. 62, 63, repealed

21. Subsection 1 of section 83 of *The Liquor Licence Act* is amended by inserting after "*mutatis mutandis*" in the fifth line "except that no vote under this Act shall be set aside or declared invalid for any reason set out in subsection 1 of section 6 of *The Election Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 218, s. 83, subs. 1, amended

(1) Notwithstanding anything in this or any other Act, where the validity of a vote on any question or questions submitted under this Act is questioned, the provisions of Part IV of *The Municipal Act* relating to proceedings to declare a seat vacant, apply *mutatis mutandis*, except that no vote under this Act shall be set aside or declared invalid for any reason set in subsection 1 of section 6 of *The Election Act*, and any notice of motion required under that Part shall be served on such person as the judge or master, as defined in that Part, directs. Where validity of vote questioned; R.S.O. 1960, cc. 249, 118

22.—(1) Section 85 of *The Liquor Licence Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 218, s. 85, amended

(*fa*) prescribing the fees payable in respect of applications.

(2) Clause *k* of the said section 85 is amended by striking out "banquet, entertainment" in the first and second lines and inserting in lieu thereof "special occasion", so that the clause shall read as follows: R.S.O. 1960, c. 218, s. 85, cl. *k*, amended

(*k*) governing the issue and cancellation of special occasion or military mess permits and prescribing the fees payable in respect of the issue of such permits.

(3) Clause *r* of the said section 85 is repealed. R.S.O. 1960, c. 218, s. 85, cl. *r*, repealed

23. This Act comes into force on the day it receives Royal Assent. Commencement

24. This Act may be cited as *The Liquor Licence Amendment Act, 1965*. Short title

1st Reading

June 2nd, 1965

2nd Reading

June 8th, 1965

3rd Reading

June 21st, 1965

MR. YAREMKO

BILL 164

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Assessment Act

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. Paragraph 9 is amended to make it clear that property of school boards is exempt from taxation only under paragraph 4 of section 4. The amendment also provides that property of harbour commissions is not exempt.

Section 2. Self-explanatory.

BILL 164 **1965**

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 9 of section 4 of *The Assessment Act*, as amended by subsection 2 of section 1 of *The Assessment Amendment Act, 1960-61* and section 1 of *The Assessment Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 4, par. 9, re-enacted

9. Subject to section 43, the property belonging to any county or municipality or vested in or controlled by any public commission or local board as defined by *The Department of Municipal Affairs Act*, except a school board or harbour commission but including a municipal parking authority, wherever situate and whether occupied for the purposes thereof or unoccupied, but not when occupied by a tenant or lessee. Municipal property R.S.O. 1960, c. 98

2. Section 21 of *The Assessment Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 21, re-enacted

21.—(1) The Lieutenant Governor in Council may make regulations adopting by reference manuals prepared by the Department for the guidance of assessors and may make such manuals apply to any municipality, municipalities or class of municipalities with such changes as he deems appropriate with respect to any municipality, municipalities or class of municipalities. Adoption of assessment manual

(2) The assessors and assessment commissioners of the municipality or municipalities to which the manuals apply shall comply with such manuals. Assessors

(3) Where there is any conflict between any provision of section 35 and any provision of the manuals as they may be changed by any regulation, the provision of the manuals prevails. Where conflict

R.S.O. 1960, c. 23, s. 41, amended

3.—(1) Section 41 of *The Assessment Act* is amended by adding thereto the following subsection:

Adjustment of assessment

(5*a*) The assessment of pipe lines in each municipality determined under subsection 5 shall be adjusted by the application of the latest equalization factor provided by the Department.

R.S.O. 1960, c. 23, s. 41, subs. 15, amended

(2) Subsection 15 of the said section 41, as amended by section 5 of *The Assessment Amendment Act, 1960-61*, is further amended by striking out "1961" in the amendment of 1960-61 and inserting in lieu thereof "1965", so that the subsection shall read as follows:

Review of rates

(15) The rates set out in subsection 5 shall be reviewed by the Minister in the year 1965 and every third year thereafter, and in any such year the Lieutenant Governor in Council may by regulation amend or re-enact the table of rates set out in subsection 5.

R.S.O. 1960, c. 23, s. 65*a* (1960-61, c. 4, s. 8), subs. 1, re-enacted

4. Subsection 1 of section 65*a* of *The Assessment Act*, as enacted by section 8 of *The Assessment Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Courts of revision under county assessment commissioner

(1) Where a by-law is passed in any year under subsection 2 of section 93*a* appointing a county assessment commissioner, the council of the county shall, in each subsequent year, constitute by by-law one or more courts of revision for each township, town and village in the county.

R.S.O. 1960, c. 23, s. 93*a* (1960-61, c. 4, s. 14), re-enacted

5. Section 93*a* of *The Assessment Act*, as enacted by section 14 of *The Assessment Amendment Act, 1960-61* and amended by section 10 of *The Assessment Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Office of county assessment commissioner

93*a*.—(1) Subject to the approval of the Minister, the council of a county may by by-law provide for the appointment of a county assessment commissioner.

Appointment and powers

(2) Where a council passes a by-law under subsection 1, it may, with the approval of the Minister, appoint by by-law a county assessment commissioner, and,

(*a*) on and after his appointment, he and his assistants and staff shall at all reasonable times have access to and the right to examine all the books, records and documents relating to the assessment departments of the townships, towns and villages in the county; and

SECTION 3—Subsection 1. Provision is made for the adjustment of assessments of pipe lines by the application of the latest provincial equalizing factor.

Subsection 2. At present, provision is made for a review of the table of rates for the assessment of pipe lines in 1961 and every third year thereafter. The amendment provides for a review in 1965 and every third year thereafter.

SECTION 4. The amendment is complementary to the revision of section 93*a* with respect to county assessment commissioners.

SECTION 5. Under the present legislation, the council of a county may, with the approval of the Minister, pass a by-law for appointing a county assessment commissioner, who thereafter is deemed to be the assessor of each of the local municipalities in the county. Under this provision, the individual must be named in the by-law, and this has caused certain difficulties in interpretation. Under section 93*a*, as revised, the county could pass one by-law for the adoption of the county assessment commissioner system and then at some later date, having obtained the approval of the Minister, appoint the incumbent.

Section 93*aa* is new and is to make available to cities and separated towns the services of a county assessment commissioner if they so desire and to provide for the sharing of the costs of the services so provided.

(*b*) after the 31st day of December next following his appointment, he has all the powers, duties and privileges under this and every other Act of an assessor, assessment commissioner and county assessor in respect of the county and the townships, towns and villages in the county, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for each of such local municipalities.

Staff

(3) An assessment commissioner appointed under this section may employ such assistants and other staff for the performance of his duties as may be authorized by the council of the county.

Municipalities not to employ assessors

(4) Where a by-law is passed under subsection 2 in any year by the council of a county, the county shall not, after the 31st day of December of that year, appoint or continue to employ a county assessor under section 93, and the townships, towns and villages in the county shall not, after that date, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessment commissioner, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessment commissioner.

Application of s. 130 in local municipalities

(5) Where a by-law is passed under subsection 2 in any year by the council of a county, section 130 does not apply after the 31st day of December of that year in any township, town or village in the county.

Repeal of by-law

(6) No by-law passed under subsection 1 or 2 shall be repealed without the approval of the Minister.

Appointment of county assessment commissioner for city or separated town

93*aa*.—(1) Upon the request of one or more cities or separated towns within a county expressed by by-law, the council of the county may pass a by-law appointing the county assessment commissioner as assessor for such city or cities or town or towns, and, after the 31st day of December next following his appointment, he has all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such city or cities or town or towns, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for each of such cities or towns.

Employment of assessors by city, etc.

(2) Where a by-law is passed in any year appointing a county assessment commissioner as assessor for one or more cities or separated towns under this section, such a city or town shall not, after the 31st day of December of that year, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessment commissioner, all the books, records and documents relating to the work of the assessment departments of such cities or towns shall be turned over to the county assessment commissioner.

Application of s. 130 in city or town

(3) Where a by-law is passed in any year by the council of a county appointing a county assessment commissioner as assessor for one or more cities or separated towns, section 130 does not apply after the 31st day of December of that year in such a city or town.

Apportionment of costs

(4) Where the county assessment commissioner has been appointed assessor for one or more cities or separated towns under subsection 1, the total annual cost incurred for the salaries and wages of a county assessment commissioner and his staff, if any, and for all other expenses and disbursements in connection with his office shall be chargeable to and be provided and paid by the county, and the county and each such city and town shall bear and pay their respective shares of such cost in the proportion that the total rateable assessment of all the municipalities that form part of the county and the rateable assessment of each such city and town bears to the total rateable assessment of all of them, according to their last revised assessment rolls, provided that, during the first three years after the appointment of a county assessment commissioner as assessor for one or more cities or towns, the rateable assessments used to determine their respective shares of the cost shall be adjusted by the application of the latest equalization factors provided by the Department.

Application of s. 65*b*

(5) Where a by-law appointing a county assessment commissioner as assessor for one or more cities or separated towns is passed under this section, section 65*b* applies *mutatis mutandis* to the cities or towns for which the county assessment commissioner is appointed assessor.

Repeal of by-law

(6) No by-law passed under this section shall be repealed without the approval of the Minister.

SECTION 6. The amendment is to make a county assessor, in respect of a local municipality for which he has been appointed assessor, an assessment commissioner as well as an assessor.

SECTION 7—Subsection 1. The amendment is to make available to the district assessor and his staff the benefits that are available to municipalities relating to sick leave credit gratuities, group, life and accident insurance and hospital, medical, etc., services and hospital care insurance under *The Hospital Services Commission Act.*

Subsection 2. The amendment is self-explanatory and is comparable to section 491 of *The Municipal Act* in regard to trustees of police villages.

Subsection 3. The amendments provide that a district assessor shall be an assessment commissioner as well as an assessor for the municipalities in the territorial district.

6. Subsection 1 of section 93*b* of *The Assessment Act*, as enacted by section 9 of *The Assessment Amendment Act, 1961-62* and amended by subsection 1 of section 3 of *The Assessment Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 93*b* (1961-62, c. 6, s. 9), subs. 1, re-enacted

(1) Upon the request of one or more townships, towns or villages in a county expressed by by-law or resolution, the council of the county may pass a by-law appointing the county assessor as assessor for such local municipality or municipalities, and the county assessor, after the effective date of such by-law, has all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such local municipality or municipalities, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for each of such local municipalities. County assessor appointed local assessor

7.—(1) Subsection 7 of section 104 of *The Assessment Act*, as re-enacted by section 6 of *The Assessment Amendment Act, 1964*, is amended by adding thereto the following clause: R.S.O. 1960, c. 23, s. 104 (1964, c. 4, s. 6), subs. 7, amended

(*e*) incur all such costs as may be necessary for the provision to himself and his staff of such benefits as municipalities may provide to their employees under paragraphs 60, 61 and 62 of section 377 of *The Municipal Act*. R.S.O. 1960, c. 249

(2) The said section 104 is amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 104 (1964, c. 4, s. 6), amended

(7*a*) A district assessor may contract and may sue and be sued in the name of the district assessor for the district for which he was appointed, but he is not personally liable upon any contract made as district assessor. Power to contract and sue

(3) Subsections 8, 9 and 10 of the said section 104 are repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 104 (1964, c. 4, s. 6), subss. 8-10, re-enacted

(8) The district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of the municipalities and localities in the territorial district, except, subject to subsections 9 and 10, cities, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for each of such municipalities and localities. Powers and duties

District assessor for cities

(9) A city may join in the request for a district assessor, and, if it does so, the district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for such city.

Idem

(10) After a district assessor has been appointed, a city may by by-law request the Minister to appoint the district assessor as assessor for such city, and, when the Minister makes such appointment, the district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for such city on and after such date as may be fixed by the Minister.

R.S.O. 1960, c. 23, s. 104 (1964, c. 4, s. 6), subs. 19, amended

(4) Subsection 19 of the said section 104 is amended by adding at the end thereof "and, where assessments are deemed to be equalized and in making an equalization of assessments, the district assessor shall, where applicable, add to the valuations of each municipality the amounts obtained under subsections 2 and 3 of section 98 as varied under subsection 4 of section 98", so that the subsection shall read as follows:

Equalization of assessment

(19) Where a district assessor has been appointed and an equalization of assessment is required for the purposes of this or any other Act, the assessments made by the district assessor in the municipalities and localities for which the district assessor is deemed to be the assessor shall be deemed to be the equalized assessments for the purposes of this and every other Act, and equalization shall be required only as between a municipality or municipalities for which the district assessor is not deemed to be the assessor and all those municipalities for which he is deemed to be the assessor, and, where assessments are deemed to be equalized and in making an equalization of assessments, the district assessor shall, where applicable, add to the valuations of each municipality the amounts obtained under subsections 2 and 3 of section 98 as varied under subsection 4 of section 98.

R.S.O. 1960, c. 23, s. 104 (1964, c. 4, s. 6), amended

(5) The said section 104 is further amended by adding thereto the following subsection:

Subsection 4. The amendment requires a district assessor, where equalization is required, to add to the valuations of each municipality the assessment equivalent of mining revenue payments and the valuations on which payments in lieu of taxes are paid.

Subsection 5. When a district assessor has been appointed, it may be that for a certain period of time he will be compelled to carry on with the assessments as previously made by the local assessors as he will be unable to perform in a single year a complete re-assessment of the entire district to make all the assessments on the same basis. If, during this period, an equalization is required, it should be done by the application of the equalization factors which are prepared by the Department and available for each municipality.

SECTION 8. The provision repealed provides that, where the amount of taxes to be recovered by action is not more than $200, the action may be taken in the division court. This provision is no longer necessary since the jurisdiction of a division court was extended to $400.

SECTION 9. The clauses repealed provided for a rebate or refund of taxes in respect of a building that was vacant for three months or more during the year or in respect of a pipe line that was not in use for six months or more during the year. Under clause *c* of subsection 1 and subsection 3 of section 53, where real property becomes liable to business assessment, the commercial rate provided for in subsection 2 of section 294 of *The Municipal Act* can be substituted for the residential and farm rate provided for in subsection 3 of section 294 of that Act. There is, however, no corresponding provision for levying at the reduced rate when a property that was previously assessed for business assessment ceases to be used for business purposes and reverts to residential or farm uses. The new clause *a* will provide a remedy for assessed owners of real property that ceases to be used for commercial purposes after the return of the assessment roll.

(19*a*) Notwithstanding subsection 19, the Minister may order a district assessor to equalize the assessments of the municipalities and localities for which he is deemed to be the assessor by the application of the latest equalization factors provided by the Department. Idem

8. Subsection 2 of section 106 of *The Assessment Act* is repealed. R.S.O. 1960, c. 23, s. 106, subs. 2, repealed

9. Clauses *a* and *b* of subsection 1 of section 131 of *The Assessment Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 131, subs. 1, cl. *a*, re-enacted; cl. *b*, repealed

(*a*) in respect of real property liable to taxation at the rate levied under subsection 2 of section 294 of *The Municipal Act* that has ceased to be real property that would be liable to be taxed at such rate; or R.S.O. 1960, c. 249

. . . . . .

10.—(1) This Act, except section 1, subsection 1 of section 3 and section 7, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 2 of section 7 shall be deemed to have come into force on the 8th day of May, 1964. Idem

(3) Section 1 and subsections 1, 3, 4 and 5 of section 7 shall be deemed to have come into force on the 1st day of January, 1965. Idem

(4) Subsection 1 of section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

11. This Act may be cited as *The Assessment Amendment Act, 1965*. Short title

1st Reading

June 2nd, 1965

2nd Reading

3rd Reading

MR. SPOONER

1965

BILL 164

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Assessment Act

MR. SPOONER

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. Paragraph 9 is amended to provide that property of a harbour commission that is used for the parking of motor vehicles for which a fee is charged is not exempt from taxation.

SECTION 2. Self-explanatory.

BILL 164 1965

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 9 of section 4 of *The Assessment Act*, as amended by subsection 2 of section 1 of *The Assessment Amendment Act, 1960-61* and section 1 of *The Assessment Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 4, par. 9, re-enacted

9. Subject to section 43, the property belonging to any county or municipality or vested in or controlled by any public commission, municipal parking authority or local board as defined by *The Department of Municipal Affairs Act*, except property of a harbour commission used for the parking of vehicles for which a fee is charged, wherever situate and whether occupied for the purposes thereof or unoccupied, but not when occupied by a tenant or lessee. Municipal property R.S.O. 1960, c. 98

2. Section 21 of *The Assessment Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 21, re-enacted

21.—(1) The Lieutenant Governor in Council may make regulations adopting by reference manuals prepared by the Department for the guidance of assessors in valuating lands and may make such manuals apply to any municipality, municipalities or class of municipalities with such changes as he deems appropriate with respect to any municipality, municipalities or class of municipalities. Adoption of assessment manual

(2) The assessors and assessment commissioners of the municipality or municipalities to which the manuals apply shall comply with such manuals. Assessors

Where conflict

(3) Where there is any conflict between any provision of section 35 and any provision of the manuals as they may be changed by any regulation, the provision of the manuals prevails.

R.S.O. 1960, c. 23, s. 41, amended

3.—(1) Section 41 of *The Assessment Act* is amended by adding thereto the following subsection:

Adjustment of assessment

(5*a*) The assessment of pipe lines in each municipality determined under subsection 5 shall be adjusted by the application of the latest equalization factor provided by the Department.

R.S.O. 1960, c. 23, s. 41, subs. 15, amended

(2) Subsection 15 of the said section 41, as amended by section 5 of *The Assessment Amendment Act, 1960-61*, is further amended by striking out "1961" in the amendment of 1960-61 and inserting in lieu thereof "1965", so that the subsection shall read as follows:

Review of rates

(15) The rates set out in subsection 5 shall be reviewed by the Minister in the year 1965 and every third year thereafter, and in any such year the Lieutenant Governor in Council may by regulation amend or re-enact the table of rates set out in subsection 5.

R.S.O. 1960, c. 23, s. 65*a* (1960-61, c. 4, s. 8), subs. 1, re-enacted

4. Subsection 1 of section 65*a* of *The Assessment Act*, as enacted by section 8 of *The Assessment Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Courts of revision under county assessment commissioner

(1) Where a by-law is passed in any year under subsection 2 of section 93*a* appointing a county assessment commissioner, the council of the county shall, in each subsequent year, constitute by by-law one or more courts of revision for each township, town and village in the county.

R.S.O. 1960, c. 23, s. 93*a* (1960-61, c. 4, s. 14), re-enacted

5. Section 93*a* of *The Assessment Act*, as enacted by section 14 of *The Assessment Amendment Act, 1960-61* and amended by section 10 of *The Assessment Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Office of county assessment commissioner

93*a*.—(1) Subject to the approval of the Minister, the council of a county may by by-law provide for the appointment of a county assessment commissioner.

Appointment and powers

(2) Where a council passes a by-law under subsection 1, it may, with the approval of the Minister, appoint by by-law a county assessment commissioner, and,

(*a*) on and after his appointment, he and his assistants and staff shall at all reasonable times have access to and the right to examine

SECTION 3—Subsection 1. Provision is made for the adjustment of assessments of pipe lines by the application of the latest provincial equalizing factor.

Subsection 2. At present, provision is made for a review of the table of rates for the assessment of pipe lines in 1961 and every third year thereafter. The amendment provides for a review in 1965 and every third year thereafter.

SECTION 4. The amendment is complementary to the revision of section 93*a* with respect to county assessment commissioners.

SECTION 5. Under the present legislation, the council of a county may, with the approval of the Minister, pass a by-law for appointing a county assessment commissioner, who thereafter is deemed to be the assessor of each of the local municipalities in the county. Under this provision, the individual must be named in the by-law, and this has caused certain difficulties in interpretation. Under section 93*a*, as revised, the county could pass one by-law for the adoption of the county assessment commissioner system and then at some later date, having obtained the approval of the Minister, appoint the incumbent.

Section 93*aa* is new and is to make available to cities and separated towns the services of a county assessment commissioner if they so desire and to provide for the sharing of the costs of the services so provided.

all the books, records and documents relating to the assessment departments of the townships, towns and villages in the county; and

(*b*) after the 31st day of December next following his appointment, he has all the powers, duties and privileges under this and every other Act of an assessor, assessment commissioner and county assessor in respect of the county and the townships, towns and villages in the county, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for each of such local municipalities.

Staff

(3) An assessment commissioner appointed under this section may employ such assistants and other staff for the performance of his duties as may be authorized by the council of the county.

Municipalities not to employ assessors

(4) Where a by-law is passed under subsection 2 in any year by the council of a county, the county shall not, after the 31st day of December of that year, appoint or continue to employ a county assessor under section 93, and the townships, towns and villages in the county shall not, after that date, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessment commissioner, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessment commissioner.

Application of s. 130 in local municipalities

(5) Where a by-law is passed under subsection 2 in any year by the council of a county, section 130 does not apply after the 31st day of December of that year in any township, town or village in the county.

Repeal of by-law

(6) No by-law passed under subsection 1 or 2 shall be repealed without the approval of the Minister.

Appointment of county assessment commissioner for city or separated town

93*aa*.—(1) Upon the request of one or more cities or separated towns within a county expressed by by-law, the council of the county may pass a by-law appointing the county assessment commissioner as assessor for such city or cities or town or towns, and, after the 31st day of December next following his appointment, he has all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such city or

cities or town or towns, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for each of such cities or towns.

Employment of assessors by city, etc.

(2) Where a by-law is passed in any year appointing a county assessment commissioner as assessor for one or more cities or separated towns under this section, such a city or town shall not, after the 31st day of December of that year, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessment commissioner, all the books, records and documents relating to the work of the assessment departments of such cities or towns shall be turned over to the county assessment commissioner.

Application of s. 130 in city or town

(3) Where a by-law is passed in any year by the council of a county appointing a county assessment commissioner as assessor for one or more cities or separated towns, section 130 does not apply after the 31st day of December of that year in such a city or town.

Apportionment of costs

(4) Where the county assessment commissioner has been appointed assessor for one or more cities or separated towns under subsection 1, the total annual cost incurred for the salaries and wages of a county assessment commissioner and his staff, if any, and for all other expenses and disbursements in connection with his office shall be chargeable to and be provided and paid by the county, and the county and each such city and town shall bear and pay their respective shares of such cost in the proportion that the total rateable assessment of all the municipalities that form part of the county and the rateable assessment of each such city and town bears to the total rateable assessment of all of them, according to their last revised assessment rolls, provided that, during the first three years after the appointment of a county assessment commissioner as assessor for one or more cities or towns, the rateable assessments used to determine their respective shares of the cost shall be adjusted by the application of the latest equalization factors provided by the Department.

Application of s. 65*b*

(5) Where a by-law appointing a county assessment commissioner as assessor for one or more cities or separated towns is passed under this section, section 65*b* applies *mutatis mutandis* to the cities or towns for which the county assessment commissioner is appointed assessor.

SECTION 6. The amendment is to make a county assessor, in respect of a local municipality for which he has been appointed assessor, an assessment commissioner as well as an assessor.

SECTION 7—Subsection 1. The amendment is to make available to the district assessor and his staff the benefits that are available to municipalities relating to sick leave credit gratuities, group, life and accident insurance and hospital, medical, etc., services and hospital care insurance under *The Hospital Services Commission Act.*

Subsection 2. The amendment is self-explanatory and is comparable to section 491 of *The Municipal Act* in regard to trustees of police villages.

Subsection 3. The amendments provide that a district assessor shall be an assessment commissioner as well as an assessor for the municipalities in the territorial district.

(6) No by-law passed under this section shall be repealed without the approval of the Minister. Repeal of by-law

6. Subsection 1 of section 93*b* of *The Assessment Act*, as enacted by section 9 of *The Assessment Amendment Act, 1961-62* and amended by subsection 1 of section 3 of *The Assessment Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 93*b* (1961-62, c. 6, s. 9), subs. 1, re-enacted

(1) Upon the request of one or more townships, towns or villages in a county expressed by by-law or resolution, the council of the county may pass a by-law appointing the county assessor as assessor for such local municipality or municipalities, and the county assessor, after the effective date of such by-law, has all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such local municipality or municipalities, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for each of such local municipalities. County assessor appointed local assessor

7.—(1) Subsection 7 of section 104 of *The Assessment Act*, as re-enacted by section 6 of *The Assessment Amendment Act, 1964*, is amended by adding thereto the following clause: R.S.O. 1960, c. 23, s. 104 (1964, c. 4, s. 6), subs. 7, amended

(*e*) incur all such costs as may be necessary for the provision to himself and his staff of such benefits as municipalities may provide to their employees under paragraphs 60, 61 and 62 of section 377 of *The Municipal Act*. R.S.O. 1960, c. 249

(2) The said section 104 is amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 104 (1964, c. 4, s. 6), amended

(7*a*) A district assessor may contract and may sue and be sued in the name of the district assessor for the district for which he was appointed, but he is not personally liable upon any contract made as district assessor. Power to contract and sue

(3) Subsections 8, 9 and 10 of the said section 104 are repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 104 (1964, c. 4, s. 6), subss. 8-10, re-enacted

(8) The district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of the municipalities and localities in the territorial district, except, subject to subsections 9 and 10, cities, and he shall be deemed for the purposes of this Powers and duties

and every other Act to be the assessor and assessment commissioner for each of such municipalities and localities.

District assessor for cities

(9) A city may join in the request for a district assessor, and, if it does so, the district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for such city.

Idem

(10) After a district assessor has been appointed, a city may by by-law request the Minister to appoint the district assessor as assessor for such city, and, when the Minister makes such appointment, the district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for such city on and after such date as may be fixed by the Minister.

R.S.O. 1960, c. 23, s. 104 (1964, c. 4, s. 6), subs. 19, amended

(4) Subsection 19 of the said section 104 is amended by adding at the end thereof "and, where assessments are deemed to be equalized and in making an equalization of assessments, the district assessor shall, where applicable, add to the valuations of each municipality the amounts obtained under subsections 2 and 3 of section 98 as varied under subsection 4 of section 98", so that the subsection shall read as follows:

Equalization of assessment

(19) Where a district assessor has been appointed and an equalization of assessment is required for the purposes of this or any other Act, the assessments made by the district assessor in the municipalities and localities for which the district assessor is deemed to be the assessor shall be deemed to be the equalized assessments for the purposes of this and every other Act, and equalization shall be required only as between a municipality or municipalities for which the district assessor is not deemed to be the assessor and all those municipalities for which he is deemed to be the assessor, and, where assessments are deemed to be equalized and in making an equalization of assessments, the district assessor shall, where applicable, add to the valuations of each municipality the amounts obtained under subsections 2 and 3 of section 98 as varied under subsection 4 of section 98.

Subsection 4. The amendment requires a district assessor, where equalization is required, to add to the valuations of each municipality the assessment equivalent of mining revenue payments and the valuations on which payments in lieu of taxes are paid.

Subsection 5. When a district assessor has been appointed, it may be that for a certain period of time he will be compelled to carry on with the assessments as previously made by the local assessors as he will be unable to perform in a single year a complete re-assessment of the entire district to make all the assessments on the same basis. If, during this period, an equalization is required, it should be done by the application of the equalization factors which are prepared by the Department and available for each municipality.

SECTION 8. The provision repealed provides that, where the amount of taxes to be recovered by action is not more than $200, the action may be taken in the division court. This provision is no longer necessary since the jurisdiction of a division court was extended to $400.

SECTION 9. The clauses repealed provided for a rebate or refund of taxes in respect of a building that was vacant for three months or more during the year or in respect of a pipe line that was not in use for six months or more during the year. Under clause *c* of subsection 1 and subsection 3 of section 53, where real property becomes liable to business assessment, the commercial rate provided for in subsection 2 of section 294 of *The Municipal Act* can be substituted for the residential and farm rate provided for in subsection 3 of section 294 of that Act. There is, however, no corresponding provision for levying at the reduced rate when a property that was previously assessed for business assessment ceases to be used for business purposes and reverts to residential or farm uses. The new clause *a* will provide a remedy for assessed owners of real property that ceases to be used for commercial purposes after the return of the assessment roll.

(5) The said section 104 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 104 (1964, c. 4, s. 6), amended

(19*a*) Notwithstanding subsection 19, the Minister may order a district assessor to equalize the assessments of the municipalities and localities for which he is deemed to be the assessor by the application of the latest equalization factors provided by the Department. Idem

8. Subsection 2 of section 106 of *The Assessment Act* is repealed. R.S.O. 1960, c. 23, s. 106, subs. 2, repealed

9.—(1) Clauses *a* and *b* of subsection 1 of section 131 of *The Assessment Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 131, subs. 1, cl. *a*, re-enacted; cl. *b*, repealed

(*a*) in respect of real property liable to taxation at the rate levied under subsection 2 of section 294 of *The Municipal Act* that has ceased to be real property that would be liable to be taxed at such rate; or R.S.O. 1960, c. 249

. . . . . .

(2) Subsections 9, 10, 13 and 14 of the said section 131 are repealed. R.S.O. 1960, c. 23, s. 131, subss. 9, 10, 13, 14, repealed

10.—(1) This Act, except section 1, subsection 1 of section 3 and section 7, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 2 of section 7 shall be deemed to have come into force on the 8th day of May, 1964. Idem

(3) Section 1 and subsections 1, 3, 4 and 5 of section 7 shall be deemed to have come into force on the 1st day of January, 1965. Idem

(4) Subsection 1 of section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

11. This Act may be cited as *The Assessment Amendment Act, 1965*. Short title

1st Reading

June 2nd, 1965

2nd Reading

June 18th, 1965

3rd Reading

MR. SPOONER

(Reprinted as amended by the Committee of the Whole House)

1965

BILL 164

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Assessment Act

MR. SPOONER

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An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 9 of section 4 of *The Assessment Act*, as amended by subsection 2 of section 1 of *The Assessment Amendment Act, 1960-61* and section 1 of *The Assessment Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 4, par. 9, re-enacted

9. Subject to section 43, the property belonging to any county or municipality or vested in or controlled by any public commission, municipal parking authority or local board as defined by *The Department of Municipal Affairs Act*, except property of a harbour commission used for the parking of vehicles for which a fee is charged, wherever situate and whether occupied for the purposes thereof or unoccupied, but not when occupied by a tenant or lessee. Municipal property — R.S.O. 1960, c. 98

2. Section 21 of *The Assessment Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 21, re-enacted

21.—(1) The Lieutenant Governor in Council may make regulations adopting by reference manuals prepared by the Department for the guidance of assessors in valuating lands and may make such manuals apply to any municipality, municipalities or class of municipalities with such changes as he deems appropriate with respect to any municipality, municipalities or class of municipalities. Adoption of assessment manual

(2) The assessors and assessment commissioners of the municipality or municipalities to which the manuals apply shall comply with such manuals. Assessors

Where conflict

(3) Where there is any conflict between any provision of section 35 and any provision of the manuals as they may be changed by any regulation, the provision of the manuals prevails.

R.S.O. 1960, c. 23, s. 41, amended

3.—(1) Section 41 of *The Assessment Act* is amended by adding thereto the following subsection:

Adjustment of assessment

(5*a*) The assessment of pipe lines in each municipality determined under subsection 5 shall be adjusted by the application of the latest equalization factor provided by the Department.

R.S.O. 1960, c. 23, s. 41, subs. 15, amended

(2) Subsection 15 of the said section 41, as amended by section 5 of *The Assessment Amendment Act, 1960-61*, is further amended by striking out "1961" in the amendment of 1960-61 and inserting in lieu thereof "1965", so that the subsection shall read as follows:

Review of rates

(15) The rates set out in subsection 5 shall be reviewed by the Minister in the year 1965 and every third year thereafter, and in any such year the Lieutenant Governor in Council may by regulation amend or re-enact the table of rates set out in subsection 5.

R.S.O. 1960, c. 23, s. 65*a* (1960-61, c. 4, s. 8), subs. 1, re-enacted

4. Subsection 1 of section 65*a* of *The Assessment Act*, as enacted by section 8 of *The Assessment Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Courts of revision under county assessment commissioner

(1) Where a by-law is passed in any year under subsection 2 of section 93*a* appointing a county assessment commissioner, the council of the county shall, in each subsequent year, constitute by by-law one or more courts of revision for each township, town and village in the county.

R.S.O. 1960, c. 23, s. 93*a* (1960-61, c. 4, s. 14), re-enacted

5. Section 93*a* of *The Assessment Act*, as enacted by section 14 of *The Assessment Amendment Act, 1960-61* and amended by section 10 of *The Assessment Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Office of county assessment commissioner

93*a*.—(1) Subject to the approval of the Minister, the council of a county may by by-law provide for the appointment of a county assessment commissioner.

Appointment and powers

(2) Where a council passes a by-law under subsection 1, it may, with the approval of the Minister, appoint by by-law a county assessment commissioner, and,

(*a*) on and after his appointment, he and his assistants and staff shall at all reasonable times have access to and the right to examine

all the books, records and documents relating to the assessment departments of the townships, towns and villages in the county; and

(*b*) after the 31st day of December next following his appointment, he has all the powers, duties and privileges under this and every other Act of an assessor, assessment commissioner and county assessor in respect of the county and the townships, towns and villages in the county, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for each of such local municipalities.

Staff

(3) An assessment commissioner appointed under this section may employ such assistants and other staff for the performance of his duties as may be authorized by the council of the county.

Municipalities not to employ assessors

(4) Where a by-law is passed under subsection 2 in any year by the council of a county, the county shall not, after the 31st day of December of that year, appoint or continue to employ a county assessor under section 93, and the townships, towns and villages in the county shall not, after that date, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessment commissioner, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessment commissioner.

Application of s. 130 in local municipalities

(5) Where a by-law is passed under subsection 2 in any year by the council of a county, section 130 does not apply after the 31st day of December of that year in any township, town or village in the county.

Repeal of by-law

(6) No by-law passed under subsection 1 or 2 shall be repealed without the approval of the Minister.

Appointment of county assessment commissioner for city or separated town

93*aa*.—(1) Upon the request of one or more cities or separated towns within a county expressed by by-law, the council of the county may pass a by-law appointing the county assessment commissioner as assessor for such city or cities or town or towns, and, after the 31st day of December next following his appointment, he has all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such city or

cities or town or towns, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for each of such cities or towns.

Employment of assessors by city, etc.

(2) Where a by-law is passed in any year appointing a county assessment commissioner as assessor for one or more cities or separated towns under this section, such a city or town shall not, after the 31st day of December of that year, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessment commissioner, all the books, records and documents relating to the work of the assessment departments of such cities or towns shall be turned over to the county assessment commissioner.

Application of s. 130 in city or town

(3) Where a by-law is passed in any year by the council of a county appointing a county assessment commissioner as assessor for one or more cities or separated towns, section 130 does not apply after the 31st day of December of that year in such a city or town.

Apportionment of costs

(4) Where the county assessment commissioner has been appointed assessor for one or more cities or separated towns under subsection 1, the total annual cost incurred for the salaries and wages of a county assessment commissioner and his staff, if any, and for all other expenses and disbursements in connection with his office shall be chargeable to and be provided and paid by the county, and the county and each such city and town shall bear and pay their respective shares of such cost in the proportion that the total rateable assessment of all the municipalities that form part of the county and the rateable assessment of each such city and town bears to the total rateable assessment of all of them, according to their last revised assessment rolls, provided that, during the first three years after the appointment of a county assessment commissioner as assessor for one or more cities or towns, the rateable assessments used to determine their respective shares of the cost shall be adjusted by the application of the latest equalization factors provided by the Department.

Application of s. 65*b*

(5) Where a by-law appointing a county assessment commissioner as assessor for one or more cities or separated towns is passed under this section, section 65*b* applies *mutatis mutandis* to the cities or towns for which the county assessment commissioner is appointed assessor.

(6) No by-law passed under this section shall be repealed without the approval of the Minister. Repeal of by-law

6. Subsection 1 of section 93*b* of *The Assessment Act*, as enacted by section 9 of *The Assessment Amendment Act, 1961-62* and amended by subsection 1 of section 3 of *The Assessment Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 93*b* (1961-62, c. 6, s. 9), subs. 1, re-enacted

(1) Upon the request of one or more townships, towns or villages in a county expressed by by-law or resolution, the council of the county may pass a by-law appointing the county assessor as assessor for such local municipality or municipalities, and the county assessor, after the effective date of such by-law, has all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such local municipality or municipalities, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for each of such local municipalities. County assessor appointed local assessor

7.—(1) Subsection 7 of section 104 of *The Assessment Act*, as re-enacted by section 6 of *The Assessment Amendment Act, 1964*, is amended by adding thereto the following clause: R.S.O. 1960, c. 23, s. 104 (1964, c. 4, s. 6), subs. 7, amended

(*e*) incur all such costs as may be necessary for the provision to himself and his staff of such benefits as municipalities may provide to their employees under paragraphs 60, 61 and 62 of section 377 of *The Municipal Act*. R.S.O. 1960, c. 249

(2) The said section 104 is amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 104 (1964, c. 4, s. 6), amended

(7*a*) A district assessor may contract and may sue and be sued in the name of the district assessor for the district for which he was appointed, but he is not personally liable upon any contract made as district assessor. Power to contract and sue

(3) Subsections 8, 9 and 10 of the said section 104 are repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 104 (1964, c. 4, s. 6), subss. 8-10, re-enacted

(8) The district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of the municipalities and localities in the territorial district, except, subject to subsections 9 and 10, cities, and he shall be deemed for the purposes of this Powers and duties

and every other Act to be the assessor and assessment commissioner for each of such municipalities and localities.

District assessor for cities

(9) A city may join in the request for a district assessor, and, if it does so, the district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for such city.

Idem

(10) After a district assessor has been appointed, a city may by by-law request the Minister to appoint the district assessor as assessor for such city, and, when the Minister makes such appointment, the district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for such city on and after such date as may be fixed by the Minister.

R.S.O. 1960, c. 23, s. 104 (1964, c. 4, s. 6), subs. 19, amended

(4) Subsection 19 of the said section 104 is amended by adding at the end thereof "and, where assessments are deemed to be equalized and in making an equalization of assessments, the district assessor shall, where applicable, add to the valuations of each municipality the amounts obtained under subsections 2 and 3 of section 98 as varied under subsection 4 of section 98", so that the subsection shall read as follows:

Equalization of assessment

(19) Where a district assessor has been appointed and an equalization of assessment is required for the purposes of this or any other Act, the assessments made by the district assessor in the municipalities and localities for which the district assessor is deemed to be the assessor shall be deemed to be the equalized assessments for the purposes of this and every other Act, and equalization shall be required only as between a municipality or municipalities for which the district assessor is not deemed to be the assessor and all those municipalities for which he is deemed to be the assessor, and, where assessments are deemed to be equalized and in making an equalization of assessments, the district assessor shall, where applicable, add to the valuations of each municipality the amounts obtained under subsections 2 and 3 of section 98 as varied under subsection 4 of section 98.

(5) The said section 104 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 104 (1964, c. 4, s. 6), amended

(19*a*) Notwithstanding subsection 19, the Minister may order a district assessor to equalize the assessments of the municipalities and localities for which he is deemed to be the assessor by the application of the latest equalization factors provided by the Department. Idem

8. Subsection 2 of section 106 of *The Assessment Act* is repealed. R.S.O. 1960, c. 23, s. 106, subs. 2, repealed

9.—(1) Clauses *a* and *b* of subsection 1 of section 131 of *The Assessment Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 131, subs. 1, cl. *a*, re-enacted; cl. *b*, repealed

(*a*) in respect of real property liable to taxation at the rate levied under subsection 2 of section 294 of *The Municipal Act* that has ceased to be real property that would be liable to be taxed at such rate; or R.S.O. 1960, c. 249

. . . . . .

(2) Subsections 9, 10, 13 and 14 of the said section 131 are repealed. R.S.O. 1960, c. 23, s. 131, subss. 9, 10, 13, 14, repealed

10.—(1) This Act, except section 1, subsection 1 of section 3 and section 7, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 2 of section 7 shall be deemed to have come into force on the 8th day of May, 1964. Idem

(3) Section 1 and subsections 1, 3, 4 and 5 of section 7 shall be deemed to have come into force on the 1st day of January, 1965. Idem

(4) Subsection 1 of section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

11. This Act may be cited as *The Assessment Amendment Act, 1965*. Short title

1st Reading

June 2nd, 1965

2nd Reading

June 18th, 1965

3rd Reading

June 21st, 1965

MR. SPOONER

BILL 165

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

MR. SPOONER

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Section 1. The amendment is to place local hydro-electric commissions and other utility commissions on the same basis as other local boards under this Act.

Section 2. The amendment is to authorize the Ontario Municipal Employees Retirement Board to invest the moneys deposited with the Board under section 15*a* in the same manner as its own moneys.

BILL 165 **1965**

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Ontario Municipal Employees Retirement System Act, 1961-62*, as amended by subsection 1 of section 1 of *The Ontario Municipal Employees Retirement System Amendment Act, 1964*, is further amended by striking out "*The Power Commission Insurance Act*" in the fourth and fifth lines, so that the clause shall read as follows: 1961-62, c. 97, s. 1, cl. *e*, amended

(*e*) "employee" means any person who is employed by an employer, and includes a district assessor and any person employed by him, but does not include any person who contributes to a pension plan under *The Teachers' Superannuation Act* or *The Public Service Superannuation Act*. R.S.O. 1960, cc. 392, 332

2. Section 15*a* of *The Ontario Municipal Employees Retirement System Act, 1961-62*, as enacted by section 2 of *The Ontario Municipal Employees Retirement System Amendment Act, 1964*, is amended by adding at the end thereof "and any amount of money accumulated from time to time in the administration of such plan or fund under such an agreement that is not required for the current expenditures of such plan or fund may be deposited in the Fund, and such plan or fund shall be credited with the interest received by the Board from the investment of the moneys so deposited", so that the section shall read as follows: 1961-62, c. 97, s. 15*a* (1964, c. 82, s. 2), amended

15*a*. The Board may, with the approval of the Lieutenant Governor in Council, enter into an agreement to manage and administer any pension plan or fund to which the other provisions of this Act do not apply and to recover the cost of such management and administration from such plan or fund, and any Agreements to manage other funds

amount of money accumulated from time to time in the administration of such plan or fund under such an agreement that is not required for the current expenditures of such plan or fund may be deposited in the Fund, and such plan or fund shall be credited with the interest received by the Board from the investment of the moneys so deposited.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1965.*

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

1st Reading

June 3rd, 1965

2nd Reading

3rd Reading

MR. SPOONER

BILL 165

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

MR. SPOONER

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

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15*a*. The Board may, with the approval of the Lieutenant Governor in Council, enter into an agreement to manage and administer any pension plan or fund to which the other provisions of this Act do not apply and to recover the cost of such management and administration from such plan or fund, and any Agreements to manage other funds

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Commencement

3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on the 1st day of January, 1966.

Short title

4. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1965*.

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

1st Reading

June 3rd, 1965

2nd Reading

June 18th, 1965

3rd Reading

MR. SPOONER

(*Reprinted as amended by the Committee of the Whole House*)

BILL 165

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

MR. SPOONER

TORONTO
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(*e*) "employee" means any person who is employed by an employer, and includes a district assessor and any person employed by him, but does not include any person who contributes to a pension plan under *The Teachers' Superannuation Act* or *The Public Service Superannuation Act*. R.S.O. 1960, cc. 392, 332

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15*a*. The Board may, with the approval of the Lieutenant Governor in Council, enter into an agreement to manage and administer any pension plan or fund to which the other provisions of this Act do not apply and to recover the cost of such management and administration from such plan or fund, and any Agreements to manage other funds

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Commencement

3.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on the 1st day of January, 1966.

Short title

4. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1965*.

An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

1st Reading

June 3rd, 1965

2nd Reading

June 18th, 1965

3rd Reading

June 21st, 1965

MR. SPOONER

BILL 166

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Emergency Measures Act, 1962-63

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Notes

Sections 1, 2 and 3. The amendments are for the purpose of carrying out changes in departmental organization.

Section 4. The new section provides for the supplementing of municipal authority in an emergency and for the central control necessary to co-ordinate and supplement the operation of municipal plans in an emergency.

BILL 166 **1965**

An Act to amend The Emergency Measures Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Emergency Measures Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 41, s. 1, cl. *a*, re-enacted

(*a*) "Director" means the Director of the Emergency Measures Branch of the Department of the Attorney General.

2. Section 2 of *The Emergency Measures Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 41, s. 2, re-enacted

2. There shall be a branch of the Department of the Attorney General to be known as the Emergency Measures Branch which shall consist of the Director and such other officers and employees as are deemed necessary. Emergency Measures Branch

3. Subsection 1 of section 5 of *The Emergency Measures Act, 1962-63* is amended by striking out "Commissioner" in the second line and inserting in lieu thereof "Director", so that the subsection shall read as follows: 1962-63, c. 41, s. 5, subs. 1, amended

(1) Every plan shall be prepared under the supervision and guidance of the Director. Duties of Director

4. *The Emergency Measures Act, 1962-63* is amended by adding thereto the following section: 1962-63, c. 41, amended

6*a*.—(1) In this section, Interpretation

(*a*) "emergency area" means the area in which an emergency exists;

(*b*) "minister" means a member of the Executive Council;

(*c*) "Prime Minister" means the President of the Executive Council.

Delegation of powers and duties

(2) The powers and duties under any Act of any official, board, commission or other branch of the Government of Ontario may be delegated by an approved plan to any official, board, commission or branch of the government of a municipality for the purposes of the operation of the plan.

Emergency powers

(3) Where an emergency exists in an emergency area that includes all or part of two or more municipalities that have separate plans, the exercise by a municipality in the emergency area of its powers and duties under this or any other Act for the purposes of the operation of a plan is subject to the direction and control of the Prime Minister or a minister designated by him, where he deems it necessary, and, without restricting the generality of the foregoing, the Prime Minister or minister designated by him may direct and control the administration, facilities and equipment of each municipality in the emergency area for the purposes of,

(*a*) maintaining, clearing and controlling the use of roads, streets and other public ways;

(*b*) generating, transmitting and distributing electric power and controlling the use and allocation of equipment for the purpose;

(*c*) obtaining and distributing accommodation, food and clothing and providing other welfare services;

1964, c. 27

(*d*) notwithstanding section 8 of *The Energy Act, 1964*, generating, transmitting and distributing gas and controlling the use and allocation of equipment for the purpose;

(*e*) providing or maintaining water supplies and sewage disposal;

(*f*) the enforcement of law;

(*g*) the fighting or prevention of fire; and

(*h*) the health, safety and welfare of the inhabitants of the emergency area,

and the powers and duties of the municipality, upon the direction of the Prime Minister or minister designated by him, may be exercised for the benefit of any part of the emergency area notwithstanding that it is outside the boundary of the municipality.

Assistance

(4) Where an emergency exists in Ontario or any part thereof, the Prime Minister or a minister designated by him may require any municipality in Ontario to provide such assistance as is deemed necessary to the emergency area or any part thereof, and may authorize the payment of the cost of such assistance out of the Consolidated Revenue Fund.

Plans to govern

(5) Where an emergency exists, the approved plans applying to the emergency area shall operate according to their provisions, notwithstanding the provisions of any other Act.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Emergency Measures Amendment Act, 1965*.

An Act to amend
The Emergency Measures Act, 1962-63

1st Reading

June 4th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 166

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Emergency Measures Act, 1962-63

MR. WISHART

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 166 **1965**

An Act to amend The Emergency Measures Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Emergency Measures Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 41, s. 1, cl. *a*, re-enacted

(*a*) "Director" means the Director of the Emergency Measures Branch of the Department of the Attorney General.

2. Section 2 of *The Emergency Measures Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 41, s. 2, re-enacted

2. There shall be a branch of the Department of the Attorney General to be known as the Emergency Measures Branch which shall consist of the Director and such other officers and employees as are deemed necessary. Emergency Measures Branch

3. Subsection 1 of section 5 of *The Emergency Measures Act, 1962-63* is amended by striking out "Commissioner" in the second line and inserting in lieu thereof "Director", so that the subsection shall read as follows: 1962-63, c. 41, s. 5, subs. 1, amended

(1) Every plan shall be prepared under the supervision and guidance of the Director. Duties of Director

4. *The Emergency Measures Act, 1962-63* is amended by adding thereto the following section: 1962-63, c. 41, amended

6*a*.—(1) In this section, Interpretation

(*a*) "emergency area" means the area in which an emergency exists;

(*b*) "minister" means a member of the Executive Council;

(*c*) "Prime Minister" means the President of the Executive Council.

Delegation of powers and duties

(2) The powers and duties under any Act of any official, board, commission or other branch of the Government of Ontario may be delegated by an approved plan to any official, board, commission or branch of the government of a municipality for the purposes of the operation of the plan.

Emergency powers

(3) Where an emergency exists in an emergency area that includes all or part of two or more municipalities that have separate plans, the exercise by a municipality in the emergency area of its powers and duties under this or any other Act for the purposes of the operation of a plan is subject to the direction and control of the Prime Minister or a minister designated by him, where he deems it necessary, and, without restricting the generality of the foregoing, the Prime Minister or minister designated by him may direct and control the administration, facilities and equipment of each municipality in the emergency area for the purposes of,

(*a*) maintaining, clearing and controlling the use of roads, streets and other public ways;

(*b*) generating, transmitting and distributing electric power and controlling the use and allocation of equipment for the purpose;

(*c*) obtaining and distributing accommodation, food and clothing and providing other welfare services;

1964, c. 27

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(*e*) providing or maintaining water supplies and sewage disposal;

(*f*) the enforcement of law;

(*g*) the fighting or prevention of fire; and

(*h*) the health, safety and welfare of the inhabitants of the emergency area,

and the powers and duties of the municipality, upon the direction of the Prime Minister or minister designated by him, may be exercised for the benefit of any part of the emergency area notwithstanding that it is outside the boundary of the municipality.

Assistance

(4) Where an emergency exists in Ontario or any part thereof, the Prime Minister or a minister designated by him may require any municipality in Ontario to provide such assistance as is deemed necessary to the emergency area or any part thereof, and may authorize the payment of the cost of such assistance out of the Consolidated Revenue Fund.

Plans to govern

(5) Where an emergency exists, the approved plans applying to the emergency area shall operate according to their provisions, notwithstanding the provisions of any other Act.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Emergency Measures Amendment Act, 1965*.

An Act to amend
The Emergency Measures Act, 1962-63

1st Reading

June 4th, 1965

2nd Reading

June 18th, 1965

3rd Reading

June 21st, 1965

MR. WISHART

BILL 167

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act respecting a Certain Dispute between The Toronto Electric Commissioners and Local No. 1, Canadian Union of Public Employees

MR. ROBARTS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Explanatory Note

The purpose of this Bill is to provide for arbitration of the current dispute between The Toronto Electric Commissioners and those of its employees who are represented by Local No. 1, Canadian Union of Public Employees.

BILL 167 **1965**

An Act respecting a Certain Dispute between The Toronto Electric Commissioners and Local No. 1, Canadian Union of Public Employees

Preamble

WHEREAS The Toronto Electric Commissioners and Local No. 1, Canadian Union of Public Employees (formerly Local No. 1, National Union of Public Service Employees) have been parties to several collective agreements, the latest of which has expired;

AND WHEREAS the Commission and the Union have bargained for a new collective agreement and to that end have exhausted conciliation services under *The Labour Relations Act*; R.S.O. 1960, c. 202

AND WHEREAS the terms of the new collective agreement remain unsettled;

AND WHEREAS the public interest requires that means be found for the settlement of all issues between the Commission and the Union in order that a new collective agreement may be consummated;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this Act,

(*a*) "board" means the board of arbitration established under this Act;

(*b*) "Commission" means The Toronto Electric Commissioners;

(*c*) "party" means the Commission, on the one hand, or the Union, on the other hand, and "parties" means the two of them;

(*d*) "Union" means Local No. 1, Canadian Union of Public Employees (formerly Local No. 1, National Union of Public Service Employees).

Idem

(2) Unless the contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*.

Application of Act

2.—(1) This Act applies to the Union, to the Commission and to the employees of the Commission in the bargaining unit defined in the collective agreement between the Commission and the Union, which was effective from the 1st day of February, 1962, to the 31st day of January, 1965.

Application of R.S.O. 1960, c. 202

(2) Except as modified by this Act, *The Labour Relations Act* applies to the Union, to the Commission and to the employees of the Commission in the bargaining unit defined in the collective agreement mentioned in subsection 1.

Declarations under R.S.O. 1960, c. 202, s. 89

(3) No declaration under section 89 of *The Labour Relations Act* may be made by the Commission with respect to the employees to whom this Act applies so long as this Act remains in effect and so long as any agreement consummated under this Act remains in effect.

Appointment of board of arbitration

3.—(1) Within seven days after the day on which this Act comes into force, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

Extension of 7-day period

(2) The parties by agreement in writing may extend the period mentioned in subsection 1 for one or more further periods of time not exceeding a total of ninety days, and thereafter any further extension may be made only with the consent of the Minister.

Third member

(3) Within seven days after the day on which the second of the members was appointed, the two members appointed by the parties shall appoint a third member who has indicated his willingness to act, and such third member shall be the chairman.

Failure of party to appoint member

(4) Where a party fails to appoint a member of the board within the period of seven days mentioned in subsection 1 or any extension thereof, the Minister, upon the request in writing of either of the parties, shall appoint such member.

Failure of members to appoint third member

(5) Where the two members appointed by or on behalf of the parties fail within seven days after the appointment of the second of them to agree upon the third member, the Minister shall, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint a third member.

(6) As soon as one of the parties appoints a member to the board, it shall notify the other party and the Minister of the name and address of the member appointed. Notice of appointment by party

(7) If a person ceases to be a member of the board by reason of his resignation, death or otherwise before it has completed its work, the Minister shall appoint a member in his place after consulting the party whose point of view was represented by such person. Vacancies

(8) If, in the opinion of the Minister, a member of the board has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a member in his place after consulting the party whose point of view was represented by such person. Replacement of member

(9) If the chairman of the board is unable to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a person to act as chairman in his place. Replacement of chairman

(10) No person shall be appointed a member of the board who was a member of the conciliation board that dealt with the matters to be decided by arbitration under this Act. Disqualification of persons as members

(11) No person shall be appointed a member of the board who has any pecuniary interest in the matters coming before it or who is acting or has, within the period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties. Idem

(12) Where, after the board has been established, either of the parties complains to the Minister that it has failed to render its decision within a reasonable time, the Minister may, after consulting the parties and the board, issue whatever order he deems necessary in the circumstances to ensure that the decision will be rendered without delay. Order to expedite proceedings

(13) The board shall determine its own procedure, but shall give full opportunity to the parties to present their evidence and make their submissions. Procedure

(14) If the members of the board are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs. Idem

(15) The decision of a majority of the members of the board is the decision of the board, but, if there is no majority, the decision of the chairman is the decision of the board. Decision

Powers

(16) The chairman and the other members of the board have, respectively, all the powers of a chairman and the members of a board of arbitration under *The Labour Relations Act*.

R.S.O. 1960, c. 202,

Duty of board

4.—(1) The board shall examine into and decide all matters that were in dispute between the parties on the 24th day of March, 1965, and such other matters as the parties agree upon and that appear to the board to be necessary to be decided in order to conclude a collective agreement between the parties, but it shall not decide any matters that come within the jurisdiction of the Ontario Labour Relations Board.

Board to remain seized of matters in dispute

(2) The board shall remain seized of and may deal with all matters in dispute between the parties until a collective agreement is in effect between the parties.

Agreement upon some matters

(3) If, during the proceedings before the board, the parties agree upon some matters to be included in the collective agreement and they so notify the board in writing, the board's decision shall be confined to,

(*a*) the matters not agreed upon between the parties; and

(*b*) such other matters as the parties agree upon and that appear to the board to be necessary to be decided in order to conclude a collective agreement,

and, if, following the rendering of the decision, the parties fail to agree on the terms of a collective agreement within ten days after the release of the decision or within such longer period as may be agreed upon by the parties, the board shall prepare a document giving effect to the agreement of the parties and its decision and shall submit the document to the parties for execution.

Idem

(4) If the parties do not notify the board in writing during the proceedings before the board that they have agreed upon some matters to be included in the collective agreement, the board shall decide,

(*a*) all matters in dispute between the parties; and

(*b*) such other matters as the parties agree upon and that appear to the board to be necessary to be decided in order to conclude a collective agreement,

and the board shall prepare a document giving effect to its decision and shall submit the document to the parties for execution.

(5) The board shall, in its decision, fix the time within which the parties shall execute the document. Period for execution

(6) If the parties or either of them fail to execute the document within the time fixed by the decision, the board may order that the document be in effect as though it had been executed by the parties, and the document thereupon constitutes a collective agreement under *The Labour Relations Act*, effective from the day upon which the order was made. Failure to execute document R.S.O. 1960, c. 202

(7) Unless the parties agree to a longer term of operation, the collective agreement made under this Act remains in effect for one year from the day the agreement was executed or ordered to be in effect under subsection 6, as the case may be. Term of agreement

(8) Notwithstanding subsection 7, the board may provide that the agreement or any of its provisions shall be retroactive to the 31st day of January, 1965, or any day thereafter. Idem

5. *The Arbitrations Act* does not apply to the arbitration under this Act. R.S.O. 1960, c. 18, not to apply

6.—(1) Notwithstanding anything in *The Labour Relations Act*, no employees to whom this Act applies shall strike and the Commission shall not lock out such employees during the period that this Act is in force. Strikes and lock-outs prohibited

(2) Sections 55, 56, 67 and 68 of *The Labour Relations Act* apply *mutatis mutandis* to a strike or lock-out of employees to whom this Act applies during the period that this Act is in force. Application of R.S.O. 1960, c. 202, ss. 55, 56, 67, 68

(3) Every person who on the day on which this Act came into force was authorized on behalf of the Union to call or authorize a strike of any of the employees of the Commission shall forthwith give notice to such employees that any call, authorization or direction to go on strike given to them before this Act came into force has been suspended by reason of the coming into force of this Act. Strike notices suspended

(4) So long as this Act is in force, the Commission shall not, except with the consent of the Union, alter the rates of wages or other term or condition of employment of the employees to whom this Act applies that was in effect when this Act came into force. Terms of employment not to be altered

7. Except where inconsistent with this Act, sections 69, 70, 71, 72 and 74 of *The Labour Relations Act* apply *mutatis mutandis* under this Act as if such sections were enacted in and formed part of this Act. Application of R.S.O. 1960, c. 202, ss. 69-72, 74

Expenses

8. The expenses incurred for the purposes of this Act shall be paid out of the Consolidated Revenue Fund.

Commencement and repeal

9. This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the collective agreement made under this Act comes into effect.

Short title

10. This Act may be cited as *The Toronto Hydro–Employees' Union Dispute Act, 1965*.

An Act respecting a Certain Dispute between The Toronto Electric Commissioners and Local No. 1, Canadian Union of Public Employees

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1st Reading

June 9th, 1965

2nd Reading

3rd Reading

MR. ROBARTS

BILL 167

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act respecting a Certain Dispute between The Toronto Electric Commissioners and Local No. 1, Canadian Union of Public Employees

MR. ROBARTS

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 167 **1965**

An Act respecting a Certain Dispute between The Toronto Electric Commissioners and Local No. 1, Canadian Union of Public Employees

Preamble

WHEREAS The Toronto Electric Commissioners and Local No. 1, Canadian Union of Public Employees (formerly Local No. 1, National Union of Public Service Employees) have been parties to several collective agreements, the latest of which has expired;

AND WHEREAS the Commission and the Union have bargained for a new collective agreement and to that end have exhausted conciliation services under *The Labour Relations Act*; R.S.O. 1960, c. 202

AND WHEREAS the terms of the new collective agreement remain unsettled;

AND WHEREAS the public interest requires that means be found for the settlement of all issues between the Commission and the Union in order that a new collective agreement may be consummated;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this Act,

(*a*) "board" means the board of arbitration established under this Act;

(*b*) "Commission" means The Toronto Electric Commissioners;

(*c*) "party" means the Commission, on the one hand, or the Union, on the other hand, and "parties" means the two of them;

(*d*) "Union" means Local No. 1, Canadian Union of Public Employees (formerly Local No. 1, National Union of Public Service Employees).

Idem

(2) Unless the contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*.

Application of Act

2.—(1) This Act applies to the Union, to the Commission and to the employees of the Commission in the bargaining unit defined in the collective agreement between the Commission and the Union, which was effective from the 1st day of February, 1962, to the 31st day of January, 1965.

Application of R.S.O. 1960, c. 202

(2) Except as modified by this Act, *The Labour Relations Act* applies to the Union, to the Commission and to the employees of the Commission in the bargaining unit defined in the collective agreement mentioned in subsection 1.

Declarations under R.S.O. 1960, c. 202, s. 89

(3) No declaration under section 89 of *The Labour Relations Act* may be made by the Commission with respect to the employees to whom this Act applies so long as this Act remains in effect and so long as any agreement consummated under this Act remains in effect.

Appointment of board of arbitration

3.—(1) Within seven days after the day on which this Act comes into force, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

Extension of 7-day period

(2) The parties by agreement in writing may extend the period mentioned in subsection 1 for one or more further periods of time not exceeding a total of ninety days, and thereafter any further extension may be made only with the consent of the Minister.

Third member

(3) Within seven days after the day on which the second of the members was appointed, the two members appointed by the parties shall appoint a third member who has indicated his willingness to act, and such third member shall be the chairman.

Failure of party to appoint member

(4) Where a party fails to appoint a member of the board within the period of seven days mentioned in subsection 1 or any extension thereof, the Minister, upon the request in writing of either of the parties, shall appoint such member.

Failure of members to appoint third member

(5) Where the two members appointed by or on behalf of the parties fail within seven days after the appointment of the second of them to agree upon the third member, the Minister shall, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint a third member.

(6) As soon as one of the parties appoints a member to the board, it shall notify the other party and the Minister of the name and address of the member appointed. Notice of appointment by party

(7) If a person ceases to be a member of the board by reason of his resignation, death or otherwise before it has completed its work, the Minister shall appoint a member in his place after consulting the party whose point of view was represented by such person. Vacancies

(8) If, in the opinion of the Minister, a member of the board has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a member in his place after consulting the party whose point of view was represented by such person. Replacement of member

(9) If the chairman of the board is unable to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a person to act as chairman in his place. Replacement of chairman

(10) No person shall be appointed a member of the board who was a member of the conciliation board that dealt with the matters to be decided by arbitration under this Act. Disqualification of persons as members

(11) No person shall be appointed a member of the board who has any pecuniary interest in the matters coming before it or who is acting or has, within the period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties. Idem

(12) Where, after the board has been established, either of the parties complains to the Minister that it has failed to render its decision within a reasonable time, the Minister may, after consulting the parties and the board, issue whatever order he deems necessary in the circumstances to ensure that the decision will be rendered without delay. Order to expedite proceedings

(13) The board shall determine its own procedure, but shall give full opportunity to the parties to present their evidence and make their submissions. Procedure

(14) If the members of the board are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs. Idem

(15) The decision of a majority of the members of the board is the decision of the board, but, if there is no majority, the decision of the chairman is the decision of the board. Decision

Powers

(16) The chairman and the other members of the board have, respectively, all the powers of a chairman and the members of a board of arbitration under *The Labour Relations Act*.

R.S.O. 1960, c. 202,

Duty of board

4.—(1) The board shall examine into and decide all matters that were in dispute between the parties on the 24th day of March, 1965, and such other matters as the parties agree upon and that appear to the board to be necessary to be decided in order to conclude a collective agreement between the parties, but it shall not decide any matters that come within the jurisdiction of the Ontario Labour Relations Board.

Board to remain seized of matters in dispute

(2) The board shall remain seized of and may deal with all matters in dispute between the parties until a collective agreement is in effect between the parties.

Agreement upon some matters

(3) If, during the proceedings before the board, the parties agree upon some matters to be included in the collective agreement and they so notify the board in writing, the board's decision shall be confined to,

(*a*) the matters not agreed upon between the parties; and

(*b*) such other matters as the parties agree upon and that appear to the board to be necessary to be decided in order to conclude a collective agreement,

and, if, following the rendering of the decision, the parties fail to agree on the terms of a collective agreement within ten days after the release of the decision or within such longer period as may be agreed upon by the parties, the board shall prepare a document giving effect to the agreement of the parties and its decision and shall submit the document to the parties for execution.

Idem

(4) If the parties do not notify the board in writing during the proceedings before the board that they have agreed upon some matters to be included in the collective agreement, the board shall decide,

(*a*) all matters in dispute between the parties; and

(*b*) such other matters as the parties agree upon and that appear to the board to be necessary to be decided in order to conclude a collective agreement,

and the board shall prepare a document giving effect to its decision and shall submit the document to the parties for execution.

(5) The board shall, in its decision, fix the time within which the parties shall execute the document. Period for execution

(6) If the parties or either of them fail to execute the document within the time fixed by the decision, the board may order that the document be in effect as though it had been executed by the parties, and the document thereupon constitutes a collective agreement under *The Labour Relations Act*, effective from the day upon which the order was made. Failure to execute document R.S.O. 1960, c. 202

(7) Unless the parties agree to a longer term of operation, the collective agreement made under this Act remains in effect for one year from the day the agreement was executed or ordered to be in effect under subsection 6, as the case may be. Term of agreement

(8) Notwithstanding subsection 7, the board may provide that the agreement or any of its provisions shall be retroactive to the 31st day of January, 1965, or any day thereafter. Idem

5. *The Arbitrations Act* does not apply to the arbitration under this Act. R.S.O. 1960, c. 18, not to apply

6.—(1) Notwithstanding anything in *The Labour Relations Act*, no employees to whom this Act applies shall strike and the Commission shall not lock out such employees during the period that this Act is in force. Strikes and lock-outs prohibited

(2) Sections 55, 56, 67 and 68 of *The Labour Relations Act* apply *mutatis mutandis* to a strike or lock-out of employees to whom this Act applies during the period that this Act is in force. Application of R.S.O. 1960, c. 202, ss. 55, 56, 67, 68

(3) Every person who on the day on which this Act came into force was authorized on behalf of the Union to call or authorize a strike of any of the employees of the Commission shall forthwith give notice to such employees that any call, authorization or direction to go on strike given to them before this Act came into force has been suspended by reason of the coming into force of this Act. Strike notices suspended

(4) So long as this Act is in force, the Commission shall not, except with the consent of the Union, alter the rates of wages or other term or condition of employment of the employees to whom this Act applies that was in effect when this Act came into force. Terms of employment not to be altered

7. Except where inconsistent with this Act, sections 69, 70, 71, 72 and 74 of *The Labour Relations Act* apply *mutatis mutandis* under this Act as if such sections were enacted in and formed part of this Act. Application of R.S.O. 1960, c. 202, ss. 69-72, 74

Expenses

8. The expenses incurred for the purposes of this Act shall be paid out of the Consolidated Revenue Fund.

Commencement and repeal

9. This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the collective agreement made under this Act comes into effect.

Short title

10. This Act may be cited as *The Toronto Hydro-Employees' Union Dispute Act, 1965*.

An Act respecting a Certain Dispute between The Toronto Electric Commissioners and Local No. 1, Canadian Union of Public Employees

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1st Reading

June 9th, 1965

2nd Reading

June 10th, 1965

3rd Reading

June 10th, 1965

MR. ROBARTS

BILL 168

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1965, and the 31st day of March, 1966

MR. ALLAN

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 168 1965

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1965, and the 31st day of March, 1966

MOST GRACIOUS SOVEREIGN:

Preamble

WHEREAS it appears by messages from the Honourable William Earl Rowe, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1965, and for the fiscal year ending the 31st day of March, 1966, and for other purposes connected with the public service; may it therefore please your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

$15,390,200 granted for fiscal year 1964-65

1964, c. 114

1. In addition to the sum of $1,242,600,000 granted by *The Supply Act, 1964*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole $15,390,200 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1964, to the 31st day of March, 1965, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which such schedule is based.

$1,453,020,000 granted for fiscal year 1965-66

2. There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole $1,453,020,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1965, to the 31st day of March, 1966, as set forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

Accounting for expenditure

3. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Supply Act, 1965*.

SCHEDULE A

Department of Economics and Development	$ 3,520,000
Department of Energy and Resources Management	858,200
Department of Health	9,372,000
Department of Public Welfare	1,640,000
	$ 15,390,200

SCHEDULE B

Department of Agriculture	$ 22,091,000
Department of Attorney General	38,826,000
Department of Civil Service	1,209,000
Department of Economics and Development	19,305,000
Department of Education	429,765,000
Department of Energy and Resources Management	42,115,000
Department of Health	176,391,000
Department of Highways	329,369,000
Department of Labour	16,146,000
Department of Lands and Forests	34,281,000
Office of the Lieutenant Governor	33,000
Department of Mines	3,644,000
Department of Municipal Affairs	57,190,000
Department of the Prime Minister	237,000
Office of the Provincial Auditor	547,000
Department of the Provincial Secretary and Citizenship	4,560,000
Department of Public Welfare	105,325,000
Department of Public Works	57,585,000
Department of Reform Institutions	21,564,000
Department of Tourism and Information	5,938,000
Department of Transport	8,431,000
Treasury Department	15,320,000
Department of University Affairs	63,148,000
	$1,453,020,000

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1965, and the 31st day of March, 1966

1st Reading

June 22nd, 1965

2nd Reading

June 22nd, 1965

3rd Reading

June 22nd, 1965

MR. ALLAN
